OBLIGATIONS AND PROHIBITIONS IN ISLAMIC DIVINE LAW

By
Ayatullah Ali Meshkini



Translator
Zeyanab Birya

بسم الله الرحمن الرحیم

Obligations and Prohibitions in Islamic Divine Law

:Writer

Ayatullah Ali Meshkini

:Published in print

ABWA Publishing and Printing Center

:Digital Publisher

Ghaemiyeh center of computerized researches

Contents

Obligations and Prohibitions in Islamic Divine Law

BOOK ID

Author(s): Ayatullah Ali Meshkini

Translator(s): Zeynab Biria

Publisher(s): ABWA Publishing and Printing Center

Category: General Islamic Laws Miscellaneous information: Obligations and Prohibitions in Islamic Divine Law Ayatullah Ali Meshkini

Author: Ayatullah 'Ali Meshkini

Translator: Zeynab Biria and others

Prepared by: Translation Unit, Cultural Affairs Department; The Ahl al-Bayt ('a) World Assembly

Editor: Lari A. Allen

Revised by: Badr Shahin

Proofreader: Abu Zar Ahmadi

Publisher: ABWA Publishing and Printing Center

First Printing: ٢٠١١

Printed by: Mojab Press

Copies: ٥,٠٠٠

www.ahl-ul-bayt.org

info@ahl-ul-bayt.org

ISBN: ۹۷۸-۹۶۴-۵۲۹-۶۹۸-۶

Featured Category: Introducing Islam Resources for Further Research

point

This book presents the issues the society is confronted with, in a brief and simple .language, both in the field of thought and practice

Preface of the Assembly

The invaluable legacy of the Household [Ahl al-Bayt] of the Prophet (may peace be upon them all), as preserved by their followers, is a comprehensive school of thought that embraces all branches of Islamic knowledge. This school has produced many brilliant scholars who have drawn inspiration from this rich and pure resource. It has given many scholars to the Muslim ummah who, following in the footsteps of Imams of the Prophet's Household ('a), have done their best to clear up the doubts raised by various creeds and currents within and without Muslim society and to answer their questions. Throughout the past centuries, they have given well-reasoned answers and clarifications concerning these questions

.and doubts

To meet the responsibilities assigned to it, the Ahl al-Bayt World Assembly (ABWA) has embarked on a defense of the sanctity of the Islamic message and its verities, often obscured by the partisans of various sects and creeds as well as by currents hostile to Islam. The Assembly follows in the footsteps of the Ahl al-Bayt ('a) and the disciples of their school of thought in its readiness to confront these challenges and .tries to be on the frontline in consonance with the demands of every age

The arguments contained in the works of the scholars belonging to the School of the Ahl al-Bayt ('a) are of unique significance. That is because they are based on genuine scholarship and appeal to reason, and avoid prejudice and bias. These arguments address scholars and thinkers in a manner that appeals to healthy minds and .wholesome human nature

To assist the seekers of truth, the Ahl al-Bayt World Assembly has endeavored to present a new phase of these arguments contained in the studies and translations of the works of contemporary Shī'ah writers and those who have embraced this sublime .school of thought through divine blessing

The Assembly is also engaged in edition and publication of the valuable works of leading Shī'ah scholars of earlier ages to assist the seekers of the truth in discovering the truths which the School of the Prophet's Household ('a) has offered to the entire .world

The Ahl al-Bayt World Assembly looks forward to benefit from the opinions of the readers and

.their suggestions and constructive criticism in this area

We also invite scholars, translators and other institutions to assist us in propagating .(the genuine Islamic teachings as preached by the Prophet Muhammad (S

We beseech God, the Most High, to accept our humble efforts and to enable us to enhance them under the auspices of Imam al-Mahdī, His vicegerent on the earth .((may Allah expedite his advent

We express our gratitude to Ayatollah Meshkini (May Allah bless his soul), the author of the present book, and Mrs. Zeynab Biria, its translator. We also thank our colleagues who have participated in producing this work, especially the staff of the .Translation Office

Cultural Affairs Department

The Ahl al-Bayt ('a) World Assembly

Foreword

This is the spiritual way of reaching human perfection, which I have obtained from" God, the last Prophet, his religion, and the Qur'an. I invite to it, out of insight, all ".humans who have a clear conscience

I present this book to all wise and righteous people who believe the religion of Islam to have come from a noble source, to have been revealed and commissioned by the All-merciful God, and to be the last divine doctrine and life-conducting program, which was sent down for achieving social guidance, education, and perfection. I present this book to all those who seek to approach Islam, the noblest of all religions, which is introduced to the Muslim nation through the articulate speech of the Holy Prophet .Muhammad, peace be upon him and his Household

The material of this book is derived

from the Glorious Qur’an and the Prophet’s conduct (Sunnah). It represents a derivation of the religion and a brief account of its laws, without demonstration of proofs.

This book is one of a kind because it presents the issues the society is confronted with, in a brief and simple language, both in the field of thought and practice.

Preface

Human deeds and actions are of two kinds:

١. Inward or ideological, such as assertions and beliefs, and

٢. Outward or physical, such as enunciation and bodily movements.

Each of these two consists of obligations and prohibitions.

Since intellectual actions and beliefs are the cause of physical actions, they have a greater effect and are of more importance. Accordingly, the words and actions of a person are generally the results of her/his beliefs and will.

This book is arranged into two sections:

١. Inward obligations and prohibitions, under the title “Beliefs,” and

٢. Outward obligations and prohibitions under the title “Laws of Action.”

The two following points deserve attention:

١. From the viewpoint of a sound mind and the manifest law, learning the principles of belief and the laws of action is the individual responsibility of every person. Having character conforming to the principles of belief is known as faith, and following the laws of action is termed as justice. One who is successful in acquiring these two great bounties has reached a high level in human perfection. It is as if one has performed all the commandments of the Glorified God and has realized reverence in belief and action.

Renouncing the

p: ۴

principles of belief indicates disbelief, and renouncing the laws of action indicates sinfulness. These two things cause wickedness and bear severe retribution in the .other world

Now with the intention of performing my duty, which I deem important, I present, yet briefly, these writings so that those seeking prosperity may reach perfection in faith by correcting their beliefs and following the laws of action, treading on the path of :justice. Finally, this Qur'anic verse will be applicable to them

"(those who believe and do good deeds. (۲/۲۵..."

Issues pertaining to belief stated in the first part of this book are derived from .۲ Qur'anic verses (ayat, sing. ayah) and chapters (surah), sayings of the Ahl al-Bayt, and .books of theology. I have presented them to the extent I saw necessary in this book

The secondary issues of Part Two, which are derived from books of reasoning and Islamic laws, were combined with the recommended (mustahabb), undesirable (makruh), and permitted (mubah) actions, along with other rulings pertaining to purity .(taharah) and impurity (najasah) as well as other issues

I have separated the obligations and prohibitions from the other rulings and have stated them in this book. Because our duties comprise nothing but these two parts, although performing the recommended and refraining from the undesirable things bring about perfection, the lack of observing the discretionary rulings will not bring punishment, unless they prevent one from performing the obligations or cause a .sinful deed

Part ۱: Ideological Laws

Ideological laws are of two kinds of belief (I will state all as

:("We believe"

Group One: This group includes the beliefs that are obligatory to find the truth about them, to focus on, and about which a question is formed in one's mind. However, to keep oneself in a state of doubt and uncertainty about these beliefs is forbidden. :These beliefs consist of the following issues

.١ We believe in the necessary existence of Allah, the source of creation, and the origin of being. We believe in the unity and oneness of His Divine Essence and that He does not have any partner in His Attributes of Beauty and Majesty. This means, "There is no ".god but Allah

.٢ We believe in the Attributes of Beauty and Majesty of God Almighty. By the attribute of majesty, we mean that His Divine Essence is free from any defect and imperfection. By the attribute of beauty, we mean that His Pure Essence is adorned .with all perfections and good traits

.٣ We believe in God's Prophets and Messengers whom He has sent for guiding and conducting humankind and chosen them to be of the same race of humankind. Through them, He has sent down divine books from heaven and delivered a religion for guiding, learning, and educating human race. We have particular faith in the Prophets whose names have been mentioned in the Holy Qur'an and general faith in .those not mentioned therein

.۴ We believe in the prophethood and messengership of Muhammad (s), the son of 'Abdullah, the Arab, Medinite and Meccan Prophet. We also believe that he

is the seal of the prophets. We believe in the everlastingness of his prophethood, messengership, faith, and Book, meaning that after his department from this worldly life, human society is in no need for any other religion or book, given that his religion includes all the needed individual and social laws and duties, both spiritual and material, for a complete life in this world. Even if this viewpoint seems logically incorrect to others, it is free of fault from the viewpoint of the Shi‘ite School of Thought; for after his awaited reappearance, Imam al-Mahdi (‘a) will enjoy all the attributes of the Holy Prophet except that he is not prophet. Among these attributes, Imam al-Mahdi (‘a) will have full authority over the divine laws so that he will be authorized to change them in a way conforming to the circumstances of his time and .the nature of the community

We believe in the Next World and the physical resurrection; meaning that after the .۵ elimination of this material world, all humans who were born and who have died will be restored to life in a world beyond nature, in the gathering place of resurrection, in a time named the Judgment Day, and will be in the presence of God. Without doubt, all angels, jinn, and animals will also be resurrected in this magnificent and .unprecedented event

We believe in the lawful and divinely appointed vicegerency and leadership . ۶ (imamah; Imamate) after the Holy Prophet. This means that before he departed this worldly

life, Prophet Muhammad (s), by a divine commission, nominated individuals in successive order as his successors for the next leadership of the Muslim nation and gave them authority over the community. We also undoubtedly believe that the Prophet (s) did not depart this life before he had performed this duty completely, .important to both the creation and the Creator

We believe that the Holy Prophet (s), by the strict order of the Creator, named .۷ twelve individuals in a certain order for succeeding him in the leadership of his nation. The first of those twelve individuals is (۱) ‘Ali ibn Abi-Talib, the Prophet’s cousin and son-in-law. The other eleven are the descendants of ‘Ali and the Prophet’s daughter, Lady Fatimah. They are namely: (۲) al-Hasan ibn ‘Ali, (۳) al-Husayn ibn ‘Ali, (۴) ‘Ali ibn al-Husayn, (۵) Muhammad ibn ‘Ali, (۶) Ja‘far ibn Muhammad, (۷) Musa ibn Ja‘far, (۸) ‘Ali ibn Musa, (۹) Muhammad ibn ‘Ali, (۱۰) ‘Ali ibn Muhammad, (۱۱) al-Hasan ibn ‘Ali, and (۱۲) .Muhammad ibn al-Hasan al-Mahdi, peace be upon them all

The era of the vicegerency of the first eleven Imams extended to the year ۲۶۰ AH, but the vicegerency of the twelfth Imam, who is at present in occultation, has continued until now. When the Beneficent God wills, this Imam will reappear to fill the world with .justice and peace

We believe that the Holy Qur’an, this great divine book, which is now in the hands of .۸ Muslims, was sent down to the heart of the Noble Prophet

s) as the eternal miracle of his prophecy and he conveyed it to the people without) adding or deleting even a single letter of it. We thus believe that the Holy Qur'an has .never been and will never be altered or exposed to distortion

Group Two: The second group includes the beliefs about which neither investigation nor research is obligatory; therefore, it is not necessary to believe, disbelieve, or depend on personal views regarding them. However, if a person investigates and learns the truth about them, it is her/his obligation to form his/her own beliefs according to her/his findings. To deny these beliefs without reason, only because of :doubt, is not permissible. These beliefs are formed in the following issues

We believe that God Almighty is not material, He is not composed of parts, He is not .۹ exposed to any alteration or change, and His attributes are not apart from His Divine Essence. He is beyond time and place. He was not born from anything, nor was anything born of Him, and His existence is necessary. Understanding the truth of His Divine Essence is beyond the capacity of any intellect, including those of prophets, .angels, or scientists

We believe in the existence of angels, their inerrancy, and their vast and . ۱۰ widespread control over the world, under the administration of God Almighty. The Divine Book is full of references to them, their missions, and proficiency in various fields all over the creation. We believe that to deny them, especially the ones named

in the Holy Qur’an, brings about disbelief. We also have faith in the existence of jinn .and devils, be they of one kind or of two

We believe in all the heavenly books sent down to the prophets prior to the last .۱۱ prophet Muhammad (s). We have specific faith in the books named in the Qur’an and .general faith in the ones not mentioned therein

We believe in divine revelation, i.e. the secret spiritual communication between the .۱۲ prophets and God Almighty, and that all the divine religions and heavenly books were delivered to humankind from God through them. They also received other laws and :sciences and delivered them to the people. There were three methods of revelation

a. Inspiration of divine words to the heart of the prophet through a method beyond .physical senses

b. Inspiration of God’s words through the hearing sense, without the appearance of .anything

c. Descent of an angel to the prophet and inspiration of God’s words in a face-to-face .manner

It is likely that all three kinds of revelations were sent down to all prophets, with .differences in degree, time, place, and subject

We believe in the infallibility and immunity of all prophets from sin, mistake, and .۱۳ error in the religious affairs. This means that they never committed any sin, be it small or great, neither in childhood nor in maturity, neither before being raised up as prophets nor afterwards. They also never made mistakes or errors, neither in the stage of learning the laws of God nor in

the stage of delivering them to the people by means of speech or writing, neither in the stage of carrying out and enforcing the laws in the society nor in the stage of .personally following the laws and showing reverence to God

We believe that extravagance (ghuluww) and digression concerning the Holy .۱۴ Prophet or any of the Infallibles (ma'sumin; the Holy Prophet, Lady Fatimah, and the Twelve Imams) is forbidden and rationally wrong. This is also applicable to the Companions (Sahabah)(۱), the angels, and any other mortal being no matter how close to the Prophet and the holy persons. Likewise, we also deny any exaggeration .concerning all sacred things

:Extravagance means to exceed the limits in belief, such as

a. To believe that these individuals are gods along with denial of the existence of God .Almighty

b. To believe that both they and God Almighty are gods, each independent of the .other

c. To attribute partnership in godhead with God, similar to what Christians say about .(Prophet Jesus ('a

d. To characterize them with one of the particular Attributes of God Almighty, such as claiming that they are the creators of heavens and the earth, creators of humans and animals, sustainers of all living beings, taking life away from the living beings and bringing them back to life, or any other things that are exclusively God's. In most .(cases, such extremist beliefs are deemed disbelief (kufr

We believe that the Holy Qur'an, the Divine Book, which is now in the hands of .۱۵ Muslims, has not

---

Sahabah, an Arabic word meaning companions, is a term exclusively said to the - -۱ companions of the Holy Prophet (s) and, terminologically, all those who saw, heard, or

witnessed him (s), regardless of their age. However, various opinions have been expressed in this regard. For more information, see Ahmad Husayn Ya‘qub: The Conception of the Sahabah’s Ultimate Decency; translated by Badr Shahin, Ansariyan .Publications – Qum, ١٩٩٩

been distorted. This means that the present words of the Qur'an are the same as those that the Angel of Revelation inspired to the heart of the Holy Prophet from God Almighty. They are the same words that the Holy Prophet conveyed to the Muslims. They were written by the scribes of revelation and later others and they became available to the people. We have thus received them as undistorted as they were revealed. In other words, the luminous Book we are having in our hands today is the same Book that was descended to the heart of the Holy Prophet (s), and it is the same .as what exists in the pre-eternal knowledge of the Almighty

We believe that the twelfth Imam—Muhammad ibn al-Hasan, the Argument of .۱۶ God against His creatures (al-hujjah), the expected—al-Mahdi ('a), was born during the Imamate of his father, Imam al-Hasan al-'Askari ('a). Before the martyrdom of his father and according to the predetermined command of God and His Prophet, Imam al-Mahdi ('a) was appointed as the leader, ruler, and guide for all the duty-bound (mukallaf; a person too sane and mature to be excused for violating religious obligations) persons on earth. Since that time, he has been entrusted with the position of leadership and authority over humankind, and he has undertaken the unseen dignities of divine jurisdiction in the society. When God Almighty wills, Imam Mahdi ('a) .will reappear to turn the corrupted world into a virtuous community

We believe that the Holy Prophet .۱۷

s) received the religious laws and principles through divine education. He knew all the) sciences and secrets of the Qur'an, all the Books of the former prophets, all the different fields of knowledge, which the human society of his time was unaware of, all that which he would be questioned about, and the divine knowledge and hidden secrets that are beyond the realm of our imagination. We also have the same belief .about his Infallible Successors

We believe in the complete validity of God's Book, the Qur'an. In other words, it is .۱۸ necessary to accept the fundamental and subordinate religious rulings mentioned in the Holy Qur'an as well as the knowledge and wisdom it explicitly or apparently .denotes, with their specified circumstances. Hence, it is forbidden to deny them

We believe in the traditions (Sunnah) of the Holy Prophet (s) as valid argument .۱۹ against us. The Sunnah consists of the words that the Holy Prophet stated as religious laws and divine knowledge. We also believe that the Holy Imams are transmitters and explainers of the Sunnah, which was completely transferred to them free of fault, doubt, or alteration. On the Judgment Day, God will interrogate all the people of the world with regard to two documents: His Book and the Sunnah, and they will refer to .these two to prove their claims and acquit themselves from religious liability

We believe in reason and reason-based understanding as valid argument against .۲۰ us. This means that the understanding of every person about the

validity and invalidity of beliefs and the goodness and evilness of things is the perfect evidence and convincing proof, just like the Holy Book and Sunnah. On Judgment Day, when God settles account with His creatures in full justice, the reason-based judgment about one's good and evil acts will be a proof for whether they are .deserving of reward or punishment

We believe in the temporal contingency of the world, meaning that God created .۲۱ and gave life to all the creatures in the universe from absolute nonexistence. Therefore, His Holy Being is the pre-eternal necessary existence and everything other than Him is a possibly existent (i.e. contingent) product. This means that it exists .when He exists and is not other than Him

Regarding persons' actions, we believe in the median between free will and . ۲۲ compulsion. This means that both humans and God have influence in any action humans perform. If a human wills and acts, God will help him/her by providing the provisions for the action. Humans are not completely independent such that their will is the complete cause for their actions with God exerting no influence; nor is the will of God the absolute cause for their actions, so that their own will has no influence in their .actions, like the movement of a flag by the wind, which is compulsion

Thus, the median between free will and compulsion denotes the interference of both the person and God in voluntary actions. In this position, there is no difference between obligatory

and forbidden actions, although these two differ in other ways. God is content with a permitted action and discontent with a forbidden one. He has ordered or allowed the permitted actions and has forbidden the forbidden ones. He will reward humans for doing permitted and favorable actions and punish them for committing forbidden actions. These distinctions concern the external aspect of the voluntary actions of a .person

We believe in Barzakh (the period between burial and the final judgment). This .۲۳ period is a temporary abode of the human souls that have departed their bodies in this world. The angels who run the affairs of this intermediate world, which also has a temporary heaven and hell and temporary reward and punishment, also reside there. :When they come to this intermediate world, the souls are divided into three groups

a. Some souls will be awake and joining blissful life. These are the souls of the pure .and faithful believers

b. Other souls will be awake, yet undergoing chastisement. These are the souls of the .unbelievers and infidels

c. Other souls will be put in a state of dormancy (known as subat) until the Judgment Day. These are the souls of those who spent their lives with a mixture of uprightness .and sinfulness as well as the souls of the mentally enfeebled ones

We believe that on the Judgment Day, all duty-bound persons will be questioned .۲۴ about their beliefs and actions and will be put on trial and settled to account. God will thus impartially judge

in all the intellectual and physical disputes, beginning with the issue of His Oneness to .the most trivial discrepancies about property and dues

We believe that, on the Judgment Day, some "Witnesses" will testify for or against .۲۵ some people with regard to settling account with and judging them. This means that if the disbelievers and wrongdoers deny the missions of the Prophets or deny that they conveyed the message of God to them out of fear and horror of the Resurrection, these "Witnesses," the Prophets, or private plaintiffs, will rise and give evidence on the inaccuracy of these denials. Accordingly, the disbelievers and wrongdoers will be judged. Such testimonies will also be made to refute the baseless claims of those who deny that they have been invited to the Religion of God, deny the completion of proof .against them, deny their sins, or deny their violating the others' rights

These "Witnesses" are God Almighty Himself, the Prophets of each nation, the Prophets' Successors ordained by God, the angels appointed to certain jobs, the angels commissioned to record the good and evil deeds of each person, the scholars, the righteous people, those who have witnessed the deeds of the deniers, times and .places of the committed sins, and finally the limbs and body parts of the deniers

We believe in the weighing up of actions in the Hereafter. This means that the good .۲۶ and evil actions of every person, including the internal beliefs, external and physical ,actions, and moral and mental attributes

will be spiritually and rationally weighed up and measured and will be given reward or punishment depending on the assessment of this Scale (mizan). In this assessment, pious and reward-deserving actions are weighed up as "heavy" and less deserving ".actions as "light

We believe that all good and evil deeds of a person in the worldly life, from the time .۲۷ he/she has the ability to distinguish right from wrong until the last moment of his/her life, are written by the assigned angels. These deeds will be compiled in a book and given to the right or left hand of the person in the Hereafter. This book contains beliefs and actions, be they big or small. The person him/herself will be familiarized with the contents of that book and will be informed of the method of the calculation of .her/his deeds before the actual judgment

We believe that intercession (shafa'ah) will play a role in the final judgment of .۲۸ some people. In other words, when a sinner is sentenced to punishment in hell, God will allow certain individuals to intercede and ask Him on behalf of the sinner to release him/her. In this way, God may forgive the sinner. However, intercession is contingent upon God's permission after it is requested by the "interceders" or the wrongdoers. The "interceders" are particularly the Prophets, the angels, the scholars, .the martyrs, and the righteous persons

Of course, intercession is made for minor sins, not disbelief and polytheism. The result of intercession is either complete rescue

or reduction of punishment. Occasionally, there will be intercession for those who enter heaven. This means that those whose reward-deserving deeds are few and their rewards are accordingly little, thus given a low rank, will attain a higher status .and given more reward by means of intercession

We believe in an eternal heaven following the conclusion of the Judgment Day. .۲۹ This means that upon the end of the settling of accounts with the creatures on the Judgment Day, some are deserving of reward for their good deeds or by means of intercession and others are to be sentenced to chastisement on account of their invalid beliefs or wicked deeds. At such time, God will place the pious and the rescued ones in heaven (jannah or Paradise), a place of inexplicable beauty and most pleasing splendor and glory. The promised heaven is eternal and everlasting, and it has chambers, different ranks, gardens, trees with bountiful fruits, spouses, and maids, all beyond imagination. One who enters this environment will never have to exit it. Aging, tiring, sickness, anxiety, sadness, harmful creatures, and any kind of evil, harm, or .calamity are nonexistent there. Heaven has already been created

We believe in an eternal hell upon the conclusion of the Judgment Day. This means .۳۰ that those sentenced to punishment and chastisement in the tribunal of the Judgment Day will be confined to hell, a place full of fire, with various kinds of castigations beyond imagination. Hell is the place of the disbelievers and the

ideologically and principally corrupt; it is eternal and everlasting, and those entering it .can never leave Although Hell is temporary for those of minor sins

Part ۲ Chapter ۱: Learning Religious Knowledge

It is obligatory upon every sane, mature person to learn the practical laws of Islam .۳۱ and the subsidiary obligations and prohibitions after confessing faith to the religion's .fundamentals and acquiring wholehearted belief in its primary principles

One who has faith in the religion's fundamentals will naturally find the complete .۳۲ conviction (yaqin) that is the realm of faith. He/she is then responsible for carrying out certain practical obligations and refraining from all prohibitions. These laws are called ".“Mandatory Subsidiaries of the Religion” or “The Somatic Program

Once a duty-bound person learns these laws and understands that God wants us .۳۳ to comply with them, she/he will be no longer excused to act contrarily and it will be obligatory upon him/her to exert all possible efforts in learning the laws and acting accordingly. Otherwise, he/she will be held responsible in the Hereafter and may be .punished for violating them

Based on the above law, it is obligatory upon every duty-bound person to be . ۳۴ educated in religious knowledge and laws concerning all fields of life. This means that one must try one's best to deduce all laws from the Book (i.e. Holy Qur'an) and Sunnah (words, deeds, and confirmations of the Holy Prophet and Imams). These laws must be then kept in mind or in a book in order to refer to them whenever necessary and to

teach them to others. This process is known as ijtihad in the terminology of Muslim jurisprudence (fiqh). Since this time-consuming process is conditional upon many special qualifications and is extremely exhausting, it is not practically attainable .except by a few

One unable to go this route must follow a religious authority. This means that one .۳۵ must refer to a well-qualified religious jurist (mujtahid) who has gone the mentioned way and become an expert in deducing religious laws from their sources. Thus, a duty-bound person has the option to either become a religious jurist or follow a religious jurist, which are two independent ways of attaining the laws of religion. It is .up to him/her to choose between the two options

It is said that if a duty-bound person is not a religious jurist and does not want to .۳۶ follow one, it is her/his obligation to choose a third way for attaining the religious laws, which is to observe precaution (ihtiyat) in action. This means that if he/she does not know the ruling of an action but thinks that it may be obligatory, she/he must act upon it, and if he/she thinks it could be forbidden, she/he must abstain from it. However, finding the method of precaution in issues needs dexterity and familiarity with Muslim jurisprudence; thus, the only way to reach a conclusion concerning religious laws is limited to either becoming a religious jurist or following one highly experienced in this .field

A duty-bound person may not know the rulings .۳۷

related to a certain case, whether that case is in language or actions, worship or business, etc. Therefore, before acting, she/he must refer to a religious jurist and identify his/her religious duty, for if she/he acts without referring to a jurist, he/she may refrain from an act while it is obligatory to do or perform an act while it is forbidden to do, thus committing a sin.

۳۸. If in a single period there is more than one well-qualified religious jurist, it is obligatory upon one who wants to follow one of them to investigate about all of them. If all of them are equal or close in knowledge, he/she may refer to any one she/he wants. If they vary in the degree of knowledge, he/she must then refer to the most knowledgeable.

۳۹. It is an obligation for a follower of an unqualified jurist to refer to a qualified one, whether she/he intentionally followed the unqualified jurist or by mistake, whether the jurist was unqualified to begin with or later became unqualified. This is the case even if someone later becomes preferable over the first jurist.

۴۰. In case a jurist dies, it is obligatory upon the jurist's followers to refer to a living jurist in all affairs. This is the case if the living jurist is more knowledgeable than the deceased one. One may remain a follower of a deceased jurist if the jurist is more knowledgeable than the living one or if both are equal in knowledge. One may remain

a follower of the earlier jurist or can refer to the living one, or may follow the earlier in .some issues and the second in others

It is collectively obligatory (wajib kifa'i: i.e. if enough people carry it out others will .۴۱ be released from responsibility, but if everyone refrains from carrying it out they will all be liable) upon an intellectually inclined, financially able group from each region to join academies of religious studies in order to study and become learned in the fundamental and subordinate laws of religion, in order to fulfill their own religious .duty, educate others, and guide and warn the people

It is collectively obligatory upon people to establish religious assemblies and . ۴۲ seminaries by appointing a group to perform this mission and to attain the following :three goals

a. The first goal is to lead the ignorant people to decency; i.e. religion, its fundamental and secondary principles, virtues, sciences, and learning, which are means of spiritual .perfection and motives of material welfare

b. The second goal is to enjoin to the right and invite people to perform righteous .deeds

.c. The third goal is to discourage from wrong and keep them from indecent actions

This is a collective obligation addressed to all Muslims or all duty-bound persons. By a group, we mean those who work in religious centers and other fields of knowledge. It is in fact collectively obligatory upon an assembly of Muslims to choose some persons to study in seminaries and provide for their expenses from their own

property. However, since every community naturally needs an authoritative leader, this leader will be automatically responsible for choosing such persons, at least .because the leader has the right to allocate public property to various uses

To guide ignorant individuals to the right is mandatory in the sense that it is .۴۳ obligatory to direct people towards the truth and teach them the religious laws—be they principles of belief, action, or introductions to these principles—to the extent possible. The fulfillment of this obligation is the most important reason for establishing .(seminaries (i.e. hawzah

It is obligatory to examine the validity of any news reported by a corrupt person, .۴۴ be it information about a religious law, such as recounting a command, a saying of an infallible, a ruling from a religious jurist, or information about other issues, such as relating a dead person's will. This obligation is conditional upon investigation and .certainty; otherwise, the news cannot be considered substantial evidence or proof

Just as learning religious rulings is an obligation, so is it obligatory to learn the .۴۵ details of these rulings. It is thus obligatory to learn the parts, conditions, and impediments of devotional acts deemed obligatory by religious law, such as prayer (salat), fasting (sawm), poor-rate (zakat), pilgrimage (hajj), atonements (kaffarah), .and so on

The parts of prayer, for example, include takbirat al-ihram (i.e. to say allahu-akbar as the exordial statement of prayer), ruku' (bowing down), sujud (prostrating), and other acts. Its conditions include purity of body and dress, minor ablution (wudhu'), facing

the qiblah direction, and other things. The nullifying matters of ritual prayers include .talking (during the prayer), eating, and so on

Similarly, the parts of ritual hajj (pilgrimage to the Holy House in Mecca) are ihram (i.e. entering into a state of consecration by putting the uniform of hajj and refraining from doing certain things), wuquf (halting on Mount ‘Arafat on certain days), tawaf (circumambulating the Holy Ka’bah), sa’y (traveling fast seven times between the hills of al-Safa and al-Marwah), and other matters. Likewise, the validity of one’s hajj is .conditional upon certain matters

It is also obligatory to learn the non-devotional laws of religion, such as the amount of kurr, less-than-kurr water, mines, spoils of war, legal distances (as they apply to prayers in journeys), shortened-form prayers, complete-form prayers, residence, homeland, materials on which tayammum (dry ablution) must be done, and the like. .Each of these titles has its own details, laws, and rulings

It is obligatory upon every duty-bound person to learn the obligations and .۴۶ prohibitions regarding the issues one encounters in one’s daily life, including personal, family, social, devotional, and business affairs. Just as it is obligatory to learn the laws pertaining to the beliefs and principles of the religion, so also is it obligatory to learn the secondary issues of the religion. The difference is that learning the fundamentals of the religion is purely rational obligation, while learning the secondary issues is .religious obligation

Innovating heretical doctrines in the religion is forbidden. This includes ascribing to .۴۷ religion a

deed, which is not part of religion or cannot be proven so, or teaching it to others under the claim that it is part of religion, be such a deed in the field of belief, devotional acts, or any other field. Examples of heresy include believing that a certain tree or a certain place is sacred (without religious proof), cooking a stew on a certain day in a certain place in the name of a certain person, observing a continuous fast, or .abstaining from talking as part of devotional acts

It is forbidden (haram) for both jurists and ordinary persons to issue a religious .۴۸ verdict or explain a divine law without having full knowledge of it, or give a wrong .answer to a religious question

It is forbidden for religious scholars to conceal their knowledge, be it in the field of .۴۹ theology, jurisprudence, mysticism, ethics, exegesis of the Holy Qur'an, or traditions of the Holy Prophet. In other words, it is obligatory upon all experts in any of the fields of religious knowledge to state their views and express their knowledge by means of speech or writing on condition that there is no fear of expressing such views, the community is in need for them, or there is no one else to replace them. Thus, if such information or knowledge cannot be obtained from any other person, it is then an individual obligation upon the expert to declare it. However, this obligation will be collective if there is more than

.one expert

If people are in urgent need for specialists in a field of knowledge, such as .۵۰ medicine, engineering, or any other field, it is then impermissible for the specialists to conceal their expertise. However, it is collectively obligatory upon such specialists to practice their skills as much as the public needs them. Also in accordance to the need of the public, it is collectively obligatory upon the people to practice jobs that require .less specialty, such as grocery, bakery, farming, agriculture, trade, and the like

In Muslim countries, fulfilling urgent public needs may be either a collective obligation or it may change into individual obligation when refraining from it will cause disorder .in the social system, regardless of the nature of the job

However, this does not mean that they are required to work for free; rather, the .occupation itself is an obligation, whether they are paid or not

Part ۲ Chapter ۲: Rulings of Devotional Acts

It is obligatory upon any ceremonially impure person to obtain purity by means of .۵۱ minor ablution (wudhu') in order to be allowed to do the following acts: (۱) performing daily prayers, (۲) performing obligatory tawaf, (۳) touching the scripts of the Holy Qur'an, and (۴) performing prayers for a semi-menstrual (mustahadhah: a woman in the state of light irregular menstruation) five times a day for the five daily prayers, regardless of whether or not it is obligatory upon her to perform the major ablution .((ghusl

(It is obligatory upon one who is junub (unclean as a result of sexual intercourse .۵۲

to perform the major ablution in order to perform the following six actions: (۱) performing the daily ritual prayers, (۲) tawaf, (۳) touching the script of the Holy Qur'an, (۴) reciting the four verses of prostration (i.e. the four Qur'anic verses upon the reciting of which, it is obligatory to prostrate oneself), (۵) staying or stopping in a mosque, and (۶) passing through the Sacred Mosque in Mecca and the Prophet's .Mosque in al-Madinah

It is obligatory to wash the urinary orifice with water and to clean the anal orifice .۵۳ with water or three pieces of cleaning material (such as cloth, toilet paper, etc.), for .the performance of prayers and obligatory tawaf

For performing the previously mentioned six actions, it is obligatory upon a woman .۵۴ .whose menstruation period is over to perform the major ablution of menstruation

In order to be allowed to perform the six mentioned actions, it is obligatory upon a .۵۵ woman who has just given birth to a child to perform the major ablution of lochia after .the allowance of ten days for bleeding related to childbirth

In order to be allowed to perform the six mentioned actions, it is obligatory upon a .۵۶ woman who has seen a certain amount of blood in other than her menstrual period to .do the major ablution of semi-menstruation

It is obligatory upon a person who has touched a human corpse to perform the .۵۷ Touching the Dead Ritual Ablution (ghusl mass al-mayyit), in the event that the corpse has cooled and

has not been given the three ritual ablutions; otherwise, the ritual ablution is not obligatory. This rule is also applicable to touching any separated body part that has a bone.

۵۸. Whenever it is impossible to perform the obligatory major and minor ritual ablutions, it becomes obligatory to perform the dry ablution (i.e. tayammum; wiping a portion of the face and the backs of both hands with dust of certain qualifications) instead.

۵۹. It is individually obligatory to put moribund Muslims, be they male or female, adult or child, legitimate or illegitimate child of two Muslims, in the direction of qiblah. To put someone in the direction of qiblah is to make him/her lie on the back with the feet facing the qiblah direction. It must be noted, however, that this is one of the controversial issues in Muslim jurisprudence.

۶۰. It is individually obligatory upon each duty-bound person who becomes informed of a Muslim's death to purify the dead body from ceremonial impurities and then give three ritual ablutions: first, with sidr (jujube) leaves water, meaning a little amount of jujube leaves mixed with water; second, with camphor mixed with water; third, with pure (unmixed) water.

۶۱. It is obligatory to perform hanut, meaning to rub camphor on seven parts of a dead body, which are the parts that touch the ground while prostrating. These seven parts are the forehead, the palms of the hands, the knees, and the big toes.

۶۲. It is obligatory to shroud every Muslim dead person with three pieces

p: ۲۸

of pure and legally obtained (halal) fabric; (۱) a waistcloth, (۲) a shirt, and (۳) an allover cloth. The abovementioned three obligations (i.e. ritual ablution, camphorating, and .shrouding) are not obligatory upon those martyred in the battlefield

It is obligatory to perform the Prayer of the Dead (salat al-mayyit) on any dead .۶۳ Muslim of more than six years of age, even if he or she is an illegitimate child of a Muslim. This prayer is performed after the ritual ablution, camphorating, and .shrouding

It is obligatory to bury any dead Muslim person under the earth, towards the qiblah .۶۴ direction, in a way that the right side be on the ground and facing the qiblah. To perform the abovementioned five matters (i.e. ritual ablution, camphorating, shrouding, praying, and burying) is a collective obligation. It is forbidden to perform .these things for a disbeliever and to bury him/her in a Muslim cemetery

It is obligatory to obtain permission from the dead person's guardian for . ۶۵ performing these five rituals. When such a guardian is missing, it becomes obligatory upon all Muslims, yet unconditionally, to perform these five rituals. In this respect, a guardian (i.e. wali) is any of the dead person's heirs, such as father, son, brother, or .husband, each ranking in special order

It is obligatory to dig up the grave of a believer who has been buried: (۱) in a . ۶۶ usurped place, (۲) with an illegally-gotten shroud, (۳) before performing one of the ritual ablutions, camphorating, or shrouding, (۴) in a

non-Muslim cemetery, (۵) in a disrespectful place, or (۶) in a place other than what was willed by him/her. In all these cases, it is an obligation to disinter the corpse, resolve the shortcomings, and bury it in a suitable place.

۶۷. It is obligatory to intend seeking nearness to God Almighty (i.e. niyyat al-qurbah) in all devotional acts. This means that the only motive driving one towards doing an act of worship must be the intention of seeking nearness to God only, without adding any other intention to this act. For achieving the required intention of seeking nearness to God the Almighty in doing any devotional act, any of the following purposes is adequate; though some are better than others:

۱. To comply with God's command.

۲. To attain spiritual nearness to Him.

۳. Because He is worthy of worship.

۴. To thank Him for His bounties.

۵. To acquire His love and satisfaction.

۶. Because of understanding the good in the deed itself.

۷. To be allowed Paradise in the Next World.

۸. To be saved from Hellfire in the Next World.

۹. To acquire the worldly blessings of God.

۱۰. To escape worldly calamities.

The best of all these intentions is the fifth item, then the third, and the lowest intention is the last.

۶۸. It is an emphasized obligation to perform the five daily ritual prayers—fajr (between false dawn and sunrise) prayer, ¨uhr (midday) prayer, 'asr (afternoon) prayer, maghrib (nightfall) prayer, and 'isha' (early night) prayer—each in its own

specified time, meeting all given conditions. It is forbidden to

.refrain from performing any of these prayers or from performing them in their times

It is emphatically obligatory upon the supreme religious authority of Muslims (wali .۶۹ al-amr) or the leader of Friday Prayers appointed by him to hold the congregational Friday Prayers and invite people to participate as long as the prayer conditions are met. It is optional to choose between performing the ritual Noon Prayer and the .congregational Friday Prayer

It is obligatory to present oneself in the congregational Friday Prayers when the .۷۰ call to join these prayers is heard and when the conditions of holding them are fully met. However, this obligation is optional; that is to mean that a duty-bound person has the freedom to choose between performing the two-unit Friday Prayer or the four-unit Noon Prayer. However, to attend the congregational Friday Prayers brings about more rewards than performing the Noon Prayer instead. This, however, is a .controversial issue

It is obligatory to perform the Fear Prayer (salat al-khawf). However, the . ۷۱ performance of this prayer is contingent upon certain conditions. In other words, this prayer is performed in the battlefield when enemy attack is anticipated and when the enemy stands in the opposite direction of the qiblah. When performed congregationally, this prayer must be shortened even if the soldiers are not travelers. The method of this prayer is as follows: a number of soldiers perform the first unit (rak'at) of the Noon Prayer, for instance, with the leader (imam) and the second on their own. They

then leave to the battlefield, allowing another group of soldiers to come and perform the first unit of their prayer congregationally, following the imam who would be performing the second unit of his—or her—prayer. They would then each complete .their prayer individually

It is obligatory to perform the pursuit prayer (mutaradah), which is performed in .۷۲ battlefields under heavy attack when it is impossible to perform the acts of ritual prayers. After uttering the takbir statement, it is obligatory to perform all the acts of prayer to the extent possible although it is sufficiently acceptable to make gestures with the eye and eyebrow to express the acts of the prayer. Hence, the other conditions of the validity of a prayer, such as standing erect, facing the qiblah .direction, genuflection, and prostration are all cancelled

It is obligatory to investigate and inquire about the qiblah direction when it is .۷۳ unknown, because to face the qiblah direction is a condition of the validity of some ritual acts, such as prayer, facing a dying person towards it, burying the dead towards .it, or refraining from discharging in its direction

It is obligatory upon a traveler to half his/her four-unit prayers. In other words, a .۷۴ traveler is required to perform the noon, afternoon, and evening prayers in the form .of two units only

It is obligatory to perform Salat al-ayat (the Alarm Prayer) at times of sun and .۷۵ moon eclipses, earthquakes, or at the occurrence of any other frightening earthly or .heavenly event

It is .۷۶

obligatory to perform Salat al-Tawaf (The Ritual Circumambulating Prayer) after accomplishing the rite of circumambulating the Holy Ka'bah. This two-unit prayer must be performed as close as possible to Maqam Ibrahim (the standing-place of Prophet Abraham).

77. It is obligatory upon the eldest son to perform the prayers his father had missed before his death. The son can either perform these prayers himself on behalf of his father or hire someone to perform them instead. Similarly, the eldest son is required to make up for the number of the days on which his father is required to observe fasting and to perform the prayers his dead mother missed to perform. Yet, the latter issue is a matter of dispute.

78. It is obligatory upon a duty-bound person to make up for her/his missed daily and other obligatory prayers as well as the prayers he/she has performed incorrectly and the obligatory prayers she/he has not performed under conditions such as apostasy. However, there are some exceptions. It is forbidden to avoid performing any obligatory prayer or neglect performing it in its time.

79. It is obligatory to perform all prayers that are undertaken under vow, promise, and pledge, or by hire, including those that are originally recommended (vis-à-vis obligatory). Likewise, it is also obligatory to perform the prayers that are stipulated as conditions.

80. It is obligatory to perform any prayer or any other pious deed requested by one's parents if they would be unhappy or offended in the event their request was disobeyed, since

.causing one's parents distress is forbidden

It is obligatory to prostrate oneself when any of the four verses of obligatory .۸۱ prostration is recited or heard. These four verses are the fifth verse of Surah al-Sajdah, the thirty-seventh verse of Surah Fussilat, the last verse of Surah al-Najm, .and the last verse of Surah al-'Alaq

It is obligatory upon all the duty-bound to observe fasting in the holy month of .۸۲ Ramadhan, unless there is a legally acceptable excuse preventing from doing so. Fasting can be defined as abstinence from the following matters during the daylight :hours of Ramadhan, intending nearness to God

,a. Eating

b. drinking

,c. sexual intercourse

,d. masturbation; that is, manual stimulation of the genitals for sexual pleasure

e. deliberate keeping of oneself in the state of major impurity until morning that ,necessitates ritual bathing, such as sexual intercourse, menstruation, or lochia

,f. intentional fabrication of forgery against God, the prophets, and the Imams

,g. intentional submerging of the whole head under water

,h. intentional inhalation of thick dust or smoke

i. using liquid enemas; i.e. forcing them into the rectum and colon, and

.j. intentional or voluntary vomiting

Being forbidden for those observing fasting, all these things invalidate fasting and make it obligatory to make atonement for these acts. Just as it is emphatically forbidden to refrain from observing fasting during the month of Ramadhan, so also is .it forbidden to refrain from observing any other obligatory fast-day

It is obligatory to make up for the missed obligatory fast-days, be they from the .۸۳
holy month of Ramadhan or

p: ۳۴

.any other month, as long as it is possible to observe fasting

It is obligatory to supplement the two-day i’tikaf (devotional seclusion) with a third .۸۴ day. To explain, if one practices i’tikaf in a mosque for two days and keeps oneself there up to the morning of the third day, it then becomes obligatory to observe fasting and continue practicing i’tikaf from the adhan (call to prayer) of the third day up to the .beginning of the fourth night

It is obligatory to defray the zakat (poor-rate) tax, according to their conditions, .۸۵ that is made on certain kinds of property; namely, (۱) golden currency, (۲) silver .currency, (۳) camels, (۴) cows, (۵) sheep, (۶) wheat, (۷) barley, (۸) dates, and (۹) raisins

The beneficiaries of these taxes are the following eight categories of people: (۱) the poor, (۲) the needy, (۳) officials appointed to collect these taxes, (۴) those whose hearts may to incline to truth by receiving such money, (۵) the ransoming of captives, .(۶) those in debts, (۷) in the way of Allah, and (۸) wayfarers

It is obligatory to defray the zakat al-fitrah tax that is made on the most ordinary .۸۶ foods. This tax must be paid in the period between the night before ‘ïd al-Fitr and the time of the ‘ïd al-Fitr Prayer. This period may be extended to midday instead of .morning for those who do not offer the ‘ïd al-Fitr Prayer

It is strictly forbidden to refrain from paying the zakat and the zakat al-fitrah .۸۷

taxes either by desisting from or delaying to a later time than the prescribed.

۸۸. It is obligatory to pay the khumus (one-fifth) tax that is the due of the Household of Prophet Muhammad, peace be upon them, and currently of Imam al-Mahdi (may Allah hasten his reappearance) in his capacity as the Imam; i.e. the Divinely ordained leader of Muslims. During the Occultation Age, this tax must be paid to his representatives. When the conditions of its payment are met, this tax is payable on certain kinds of property as follows:

a. spoils of war,

b. mines and quarries,

c. treasures (when discovered),

d. pearls and marine gems (obtained through diving),

e. lands purchased by Dhimmis (i.e. non-Muslim subjects enjoying the protection of Muslim governments) from Muslims,

f. properties mixed with illegally-gotten property when neither their owners nor amounts are known, and

g. all profits and incomes that are gained due to dealings or any other source after deducting the annual expenses.

It is a strictly forbidden to refrain from or delay paying this tax whenever paying is possible.

۸۹. It is obligatory to perform Hijjat al-Islam; i.e. going on ritual pilgrimage to the Holy House of God in Mecca according to the divine law of Islam. Hijjat al-Islam is obligatory once in a lifetime upon all duty-bound persons who meet its conditions and qualifications. It must be performed in the holy city of Mecca, in the great monuments of worship, and in the month of Dh'ul-Hijjah. Hajj is classified into three kinds: tamattu', ifrad, and qiran. Although the

three kinds of hajj are similar to each other with regard to rites in general, they differ in intentions and certain rites. There are ten qualifications that must be met by those .intending to carry out this religious duty, and it has thirteen ritual parts

Hajj is incumbent on every Muslim who is (۱) mature, (۲) mentally healthy, (۳) financially able to make the pilgrimage, (۴) physically able, (۵) having enough time to go on pilgrimage, (۶) having access to the place of pilgrimage, (۷) sure enough that this journey and the performance of the rituals of hajj will not cause him/her physical harm, (۸) sure enough that this will not place hardships on him/her, (۹) this journey and rituals will not be the reason for neglecting a more important duty, and (۱۰) going on .this pilgrimage will not result in committing a religious forbidden thing

The ritual parts of hajj are (۱) ihram (ritual consecration; a state into which a Muslim must enter before performing a pilgrimage by wearing a certain costume and refraining from certain acts), (۲) halting on Mount ‘Arafat, (۳) halting at the Holy Monument (mash’ar), (۴) ramy al-Jamarat; throwing a certain number of pebbles on the statues representing Satan, (۵) offering an animal as sacrifice, (۶) taqsir; shaving or cutting short the hair and trimming the nails, (۷) tawaf; circumambulating the Holy Ka’bah, (۸) performing Salat al-Tawaf; the Circumambulating Prayer, (۹) sa’y; running seven rounds between al-Safa and al-Marwah hillocks, (۱۰) mabit; staying at Mina for two

or three nights, (۱۱) ramy al-Jamarat during the days spent at Mina, (۱۲) tawaf al-nisa'; circumambulating the Holy Ka'bah, and (۱۳) performing a two-unit prayer (salat tawaf al-nisa') after the circumambulating.

It is strictly forbidden to forgo or delay performing the hajj or 'umrah pilgrimages that is made obligatory under any condition to a later time than the ascribed.

۹۰. It is obligatory to perform the 'umrat al-tamattu' (the lesser hajj; a pilgrimage made independently of or at the same time as the obligatory hajj according to definite conditions), which is obligatory once in a lifetime. Its obligation, ritual actions, and conditions are the same of those of hajj al-tamattu'. The 'umrat al-tamattu' consists of five ritual actions: (۱) ihram, (۲) tawaf, (۳) salat al-tawaf, (۴) sa'y, and (۵) taqsir.

۹۱. It is obligatory to perform al-'umrah al-mufradah; a special devotional act that is obligatory once in a lifetime upon the residents of Mecca and a limited area of its surrounding villages. It consists of seven parts: the previously mentioned five parts in addition to tawaf al-nisa' and salat tawaf al-nisa'.

۹۲. It is obligatory upon a duty-bound person to perform hajj and 'umrah that become obligatory on account of other factors such as proxy (niyabah; being appointed by another person going on the pilgrimage to stand in for the principal), re-performing a previous invalid obligatory hajj or 'umrah, vow, meeting a condition, or any other factor.

۹۳. It is obligatory to accept any generous offer to make the pilgrimage. In plain words, if one,

being honest, offers to someone else to bear the expenses of the hajj pilgrimage, it is then obligatory to accept this offer and ready oneself for making the pilgrimage at the .proper time

In case of committing certain sins and violating certain religious laws, it is . ۹۴ obligatory to make atonement (kaffarah). The kinds and amounts of these atonements, as well as the sins and violated laws for which atonement must be made, can be found in details in the books of Muslim jurisprudence. Because the making of atonement is regarded as a devotional act, it must be done with the intention of seeking nearness to God. It seems necessary to explain the situations at which .atonements must be made as well as the prescribed amounts

It is obligatory upon a person who accidentally kills a Muslim individual to undergo .۹۵ the hierarchical atonement (kaffarah murattabah) in addition to paying the blood money (diyah). To undergo a hierarchical atonement means to begin with freeing a slave. If this is impossible, fasting for two successive months must be observed. If this is impossible too, then sixty poor persons must be served with ۷۵۰ grams of any kind .of food each

It is obligatory upon a person who has intentionally and without acceptable reason .۹۶ broken his/her fast in the month of Ramadhan to undergo an optional atonement (kaffarah mukhayyarah), which stands for the option to choose any of the abovementioned atonements (i.e. freeing a slave, fasting for two successive months, or serving sixty poor

.(persons with food

If after midday, one breaks the fast one has observed as settlement of a missed .۹۷ Ramadhan fast-day without acceptable reason, then one is required to serve two poor persons with food as atonement. If this is impossible, one must fast for three .days. This is also a type of hierarchical atonement

It is obligatory to undergo the atonement for committing the forbidden ¨ihar, . ۹۸ which is a sort of dispute between spouses due to which the husband likens his wife to his mother, declares that sexual intercourse with his wife is like it with his mother, or likens his wife's back to his mother's, meaning to deem forbidden the matrimonial relationship between his wife and him. In fact, to pronounce these words and their likes is forbidden in itself although it is not considered formal divorce. Yet, a husband who utters such words must undergo expiation; he must perform one of the following three matters respectively: freeing a slave, serving food to sixty poor persons, and .fasting for two successive months

It is obligatory upon a person who has broken a legal vow or promise to undergo .۹۹ the same atonement determined for breaking fasting in a Ramadhan fast-day. Optionally, such person must free a slave, observe fasting for two successive months, .or serve sixty poor persons with food

It is obligatory upon a woman who has cut her hair with scissors or with any other .۱۰۰ means in order to express deep grief for the loss of one of

her relatives to pay the same atonement determined for breaking fasting in a Ramadhan fast-day.

١٠١. It is obligatory upon a person who has broken an oath to make atonement, by freeing a slave, serving ten poor people with food or giving them clothes, or fasting for three days if it is impossible for him/her to do the previous items.

١٠٢. It is obligatory upon a woman who has pulled out the hair of her head as sign of showing grief for the death of her husband or relatives to make atonement, which is the same determined for breaking an oath. Originally, it is forbidden for women to pluck their hair and scratch their faces to draw blood at such misfortunes like the loss of their husbands or relatives.

١٠٣. It is obligatory upon men who tear their clothes as sign of showing grievance for the loss of their wives or children to make the same atonement determined for breaking an oath. In essence, such acts are forbidden.

١٠۴. It is obligatory upon a person who intentionally and unlawfully kills a Muslim individual to make the combined atonement (kaffarat al-jam'); he/she must free a slave, fast for two successive months, and feed sixty poor people. If it is impossible to find a slave to free, the two other things must be done.

١٠۵. Making the combined atonement is also obligatory upon a person who intentionally and without acceptable reason breaks the fast in the month of Ramadhan by committing a forbidden matter, such as eating

.a forbidden food, drinking wine, or committing adultery

Old men and women as well as persons affected by the disease of continuous .۱۰۶ thirst who cannot observe fasting in Ramadhan due to lack of physical ability and .severe hardship must make atonement

Pregnant and breast-feeding women who break the fast in Ramadhan for fear of sickness or harm of the fetus or the baby must make atonement, which is, in this as well as the previous case, to pay the amount of one meal, which is ۷۵۰ grams of food .for each broken fast-day. Hence, for the whole month, the quantity is ۲۲.۵ kilograms

Similarly, for the violation of most of the actions forbidden for those in the state of the ritual ihram such atonement must be made. The details of these laws can be found in .(the books known as Manasik al-Hajj (The Hajj Rituals

As long as the qualifications are met it is obligatory to enjoin the good (i.e. calling .۱۰۷ upon persons to carry out religious duties to the possible extent) according to the :following hierarchy

,Using soft language and avoiding cruel statements .۱

Using physical force, softly and harshly in order, and .۲

.Using severe force, even if it is harmful and serious .۳

The first level is obligatory upon everyone, the second is also obligatory yet after obtaining the supreme religious authority's permission, and the third is the .responsibility of the supreme religious authority alone

It is obligatory to forbid evil by preventing any violation of religious prohibitions .۱۰۸ according to the same abovementioned

hierarchy. It is emphatically forbidden to refrain from enjoining good and forbidding evil whenever possible; i.e. in the event that there is nothing preventing effectuation .of these two duties

It is obligatory upon those who are informed about the innovation of a heretic .۱۰۹ matter in the religion to prevent it as long as they have the ability to do so. Likewise, it .is obligatory to try to eliminate any heretic matter that has already been innovated

It is obligatory to confront the cultural, political, and economic assaults of the .۱۱۰ .enemies of Islam, be they non-Muslims or Muslims trying to deform true Islam

It is forbidden for faithful Muslims in general and scholars in particular to keep .۱۱۱ silent before any attempt to eradicate the religious rulings, innovate heretic matters in religion, impose anti-Islamic rules, disrespect the sanctities of Islam, or promulgate forbidden acts, even if standing against such things results in physical and financial .loss unless doing so would entail greater evil

It is forbidden for any duty-bound person to turn the face or the back towards the .۱۱۲ .qiblah direction while discharging urine or feces, whether in a desert or in a city

It is forbidden for ceremonially impure persons, menstruating women, women in .۱۱۳ the lochial period, or any person who has not performed the ritual ablution (wudhu') to touch or come into contact with the inscriptions of the Holy Qur'an as well as the inscriptions of the Name of God (i.e. Allah), the Divine Attributes, and the names of the

Holy Prophet and the Holy Imams. However, the question of the prohibition of touching the names of the Holy Imams by the aforementioned categories of people is .controversial

It is forbidden for ceremonially impure persons, menstruating women, and . ۱۱۴ women in their lochial period to stop in any mosque under any circumstance. .However, it is allowed for them to pass through a mosque

It is forbidden for the abovementioned categories of people to pass through the .۱۱۵ .Sacred Mosque in Mecca and the Holy Prophet's Mosque in al-Madinah

It is forbidden for a ceremonially impure person, a menstruating women, and .۱۱۶ women in her lochial period to read the four verses of prostration (i.e. the four Qur'anic verses upon the reciting of which, it is obligatory to prostrate oneself). However, to read the other verses of these Qur'anic chapters is a matter of .disagreement among master jurisprudents

It is forbidden for menstruating women and women in their lochial period to .۱۱۷ perform the ritual prayers, observe the ritual fasting, or stay in the state of ritual .i'tikaf

It is forbidden to fast during the 'ïd al-Fitr Day (the first of Shawwal) and the 'ïd al- .۱۱۸ .(Adhha Day (the tenth of Dhu'l-Hijjah

It is forbidden for those performing the ritual hajj and those staying at Mina to .۱۱۹ .(fast on the Tashriq Days (i.e. the ۱۱th, ۱۲th, and ۱۳th of Dhu'l-Hijjah

For those who fast during the Doubt Day (yawm al-skahh; the day that is doubted .۱۲۰ ,(to be the first of Ramadhan or the last of Sha'ban

.it is forbidden to decisively consider this day to be the first of Ramadhan

It is forbidden for women to observe a recommended fast in case their fasting .۱۲۱
.occludes any of their duties towards their husbands

It is forbidden for children to fast if it upsets their parents or if it is against their .۱۲۲
.explicit will

It is forbidden to observe obligatory or recommended fasting in travel except in .۱۲۳
cases of ritual vows. It is also forbidden for ailed persons to fast if it causes harm to
.their health. As a rule, the forbidden fast is invalid

It is forbidden to cross the arms in prayers, whether the prayers are obligatory or .۱۲۴
recommended, intending it to be a religious duty or etiquette. Jurisprudents disagree
.on whether this action invalidates the prayer or not

It is forbidden for the followers in a congregational prayer to say amin (i.e. Amen) .۱۲۵
when the imam (i.e. leader of the prayer) finishes the recitation of Surah al-Fatihah, intending this word to be part of the ritual prayer or a religious law. The same ruling is applicable to the leaders of congregational prayers when they utter this word after finishing reciting Surah al-Fatihah as well as all those who perform prayers individually. However, there is disagreement as to whether this word invalidates the
.prayer or not

It is forbidden to interrupt a daily prayer intentionally and without shari'a- .۱۲۶
approved reason—even if the prayer is re-performed later. This includes intentionally
interrupting prayer by minor impurity(۱) (hadath asghar), major

---

Any act that invalidates minor ritual ablution, i.e. wudhu', such as urination, - -۱
.excrement, emission of intestinal gas, and sleep

impurity(1) (hadath akbar), turning from the qiblah direction, talking in the middle of prayers, laughter, audible weeping for worldly affairs, doing any action that deforms the form of the prayer, eating, drinking, or any similar action except in cases of emergency.

127. It is forbidden to receive a wage for an action that is individually or collectively obligatory according to religious law, such as performing funeral ablution, funeral prayer, shrouding, or any other action that is within the obligatory funerary ceremonies, whether wage is received from the dead person's guardian or any other person. However, this matter is controversial.

128. It is forbidden to act hypocritically in any obligatory or recommended act of worship. In other words, to perform any act of worship with the intention of attracting people's attention exclusively or in tandem with a religiously acceptable intention is forbidden. It does not make a difference whether hypocrisy is intended in the essence of the devotional act, in one of its parts (such as washing the hands and wiping the head in the ritual ablution, and recitation and prostration in a ritual prayer), in its characteristics (such as praying congregationally or in mosques), or whether hypocrisy originated at the beginning of a devotional act or in the middle of it. To sum up, showing off is forbidden in all these cases and also invalidates the devotional acts.

129. After two days of i'tikaf it is forbidden to break it until the start of the fourth night; that is, from the dawn of

---

1- - Any act that invalidates the major ritual ablution, i.e. ghusl, such as having a wet dream, sexual intercourse, ejaculation, and menstruation.

the third day to the start of the fourth night, because every third day of i'tikaf becomes obligatory at the end of the second day. This is applicable to every third day, such as the sixth, ninth, and so on.

۱۳۰. When performing the ritual hajj or 'umrah, it is forbidden to violate any of the twenty-four prohibitions of ihram, which are as follows:

۱. Hunting wild, non-aquatic animals, whether on land or in the sky.

۲. Lustful association with a woman, even lustful regard.

۳. Concluding a temporary or permanent marriage contract for oneself or others and bearing witness to such contracts.

۴. Masturbation, which is forbidden regardless.

۵. Using perfumes.

۶. Men wearing sewn clothes.

۷. Darkening the eyes with kohl.

۸. Looking in mirrors.

۹. Men wearing socks and shoes that cover the top of the feet.

۱۰. Lying, swearing, and boasting.

۱۱. Altercation, which stands for using such expressions like 'bala-wallahi (yes, by God)' and 'la-wallahi (no by God)' to prove or deny something, be the converser truthful or liar.

۱۲. Killing body parasites, including lice and fleas.

۱۳. Wearing a ring as adornment.

۱۴. Women applying makeup.

۱۵. Applying oily substances on the body, such as lotions.

۱۶. Removing any amount of body hair by shaving or other means.

۱۷. Men covering their heads with anything.

۱۸. Women covering their faces.

۱۹. Men shading themselves while moving or traveling by any transportation means.

۲۰. Emitting blood, even by brushing or pulling out a tooth.

۲۱. Clipping all or part of the nails.

۲۲. Pulling out a tooth, even if it does not bleed.

۲۳. Cutting grass or a tree

p: ۴۷

.inside the Shrine

.Carrying any sort of weapon .۲۴

Atonement as specified by religious laws must be made for violating most of these .forbidden matters

It is forbidden to defile mosques with any type of impure thing (najasat); the same .۱۳۱ applies to the shrines of the Holy Infallibles, the covers and pages of the Holy Qur'an, and soil taken from the tombs of the Holy Infallibles, if it can be considered disrespectful. Regardless of how it has become impure, it is obligatory to remove as .immediately as possible the impurity from these places and things

It is forbidden to destroy mosques, close them down, or prevent people from . ۱۳۲ .using them, except in cases of restoration and remodeling

It is forbidden to allow unbelievers, be they polytheists or not, into mosques if this .۱۳۳ .causes disrespect to these places or if they are not ceremonially pure

Part ۲ Chapter ۳: Laws Pertaining To Matrimonial And Family Affairs

It is obligatory upon unmarried mature men or women to marry, even with the . ۱۳۴ .minimal financial ability, in the event that not getting married causes him or her to sin

It is obligatory to defend one's wife, children, and relatives against any danger to .۱۳۵ the extent that it does not result in one's death. In such cases, depending upon the .situation, it may either be allowed or forbidden

It is obligatory to maintain relations with family and relatives, which means . ۱۳۶ keeping a good relationship with one's parents in matters of salutation, speech, visit, correspondence, and other common affairs the refraining from which is considered breaking off

connections with them. This is also applicable to other relatives, yet with different levels. In addition to providing their livelihood, these actions are obligatory towards .one's parents and children

It is forbidden to act disrespectfully towards the parents through such acts like .۱۳۷ causing one's father or mother distress and refraining from carrying out their biddings if such behavior causes them heartfelt sorrow or anguish except in cases where they order their children to commit an unlawful deed or violate a forbidden .matter

It is forbidden to cut off the ties of kinship without acceptable reason. This .۱۳۸ includes refraining from providing the expenses of parents, children, grandparents, and grandchildren (however much removed) if they are in need, and also cutting off relationships with one's paternal and maternal relatives unless there is a lawful .excuse to do so

It is obligatory upon fathers and paternal grandfathers to undertake the .۱۳۹ supervision and guardianship of their immature and mentally disabled children and grandchildren even after the mentally disabled ones attain puberty. Likewise, it is obligatory upon fathers and grandfathers to hold the properties of their children and grandchildren in trust until they are mature. They are required to educate them physically and mentally and provide them with necessary expenses by using the children's property or their own property in case the children have no property in a .generally acceptable way that is corresponding with the laws of Islam

It is forbidden to kill one's child for any reason; such as financial deficiency, .۱۴۰ inability to

train them, or disgrace and accusation regarding the parents. This law includes illegitimate children, because to kill an illegitimate child is the same as killing any other Muslim individual.

141. It is obligatory upon the testamentary guardians of fathers and grandfathers to undertake the guardianship and supervision of their immature or mentally disabled children and their properties in the event that their guardian dies and entrusts this responsibility to the testamentary guardian.

142. When fathers, grandfathers, or testamentary guardians are absent and when the supreme religious authority cannot be reached, it is obligatory upon any believer (mu'min)—if a just(1) ('adil) believer is not available—to look after and supervise orphans and the mentally disabled and provide for them through these individuals' own property. Naturally, relatives have priority in this regard.

143. It is obligatory upon solvent fathers and paternal grandfathers to pay the marriage expenses of their male and female children and grandchildren when they are in need for marriage, too destitute to afford their own marriages, and expected to commit sins otherwise. As to children and grandchildren, it is obligatory upon them to pay the marriage expenses of their single fathers and mothers according to the aforementioned conditions, since it is obligatory upon them to supply their parents with the necessary provisions. However, this issue is controversial.

144. It is obligatory for a man who marries an immature girl by the permission of her legal guardian and copulates with her before she attains maturity, causing her urinary and vaginal canals or vaginal and anal

---

1- An 'adil person is one who complies with religious duties and refrains from violating religious prohibitions.

canals to become joined, to pay her life-time alimony even if she divorces him and marries another man.(۱)

۱۴۵. In the aforementioned case, it is perpetually forbidden for the husband to copulate with the wife even if he does not intend to divorce her.(۲)

۱۴۶. It is obligatory upon wives whose husbands apostatize to separate from them and observe a widow's period of waiting(۳) ('iddah). The period of waiting starts from the time of the husband's apostasy, regardless of whether he repents or not.

۱۴۷. Before entering into a marriage contact, it is obligatory for men who suffer one of the following four defects to declare so: (۱) insanity, although periodical, (۲) having defected testicles or lack thereof, (۳) having no genital organ, and (۴) impotency (i.e. inability to have sexual intercourse).

۱۴۸. Before entering into a marriage contact, it is obligatory upon women who suffer one of the following seven defects to declare so: (۱) insanity, (۲) genital mass that prevents sexual intercourse, (۳) leprosy, (۴) muteness, (۵) vitiligo, (۶) blindness, and (۷) union of the urinary and vaginal canals or the vaginal and anal canals.

۱۴۹. It is obligatory upon all men and women to commit themselves to the conditions they have agreed upon in the marriage contract or any other irrevocable contract. Such conditions may involve teaching the other party the Holy Qur'an, financing the hajj pilgrimage of the other party, not taking a wife away from her homeland, etc.

۱۵۰. It is obligatory upon wives to obey their husbands in sexual matters.

۱- - In the terminology of Muslim jurisprudence, this case is known as ifdha'.

۲- - Here it seems necessary to add that a girl who has been married to a man before her age of consent may annul the marriage after reaching that age. Additionally, item ۱۴۵ is a point of controversy.

۳- - 'Iddah is a specified period of time that must elapse before a widow or divorcee

.may legally remarry

and to provide him with any type of sexual gratification he desires, whether through sexual intercourse or other means, unless she has a religiously valid excuse. It is forbidden for a wife to deny their husbands from having such pleasure and .enjoyment

It is obligatory upon husbands to provide their permanent wives with such .١٥١ livelihood expenses like food, clothing, and housing in a generally acceptable manner. This is also applicable to the alimonies during the period of waiting of revocably .divorced wives

It is obligatory upon both wives and husbands to treat each other kindly through .١٥٢ such praiseworthy behavior like nice language, good manners, high individual and social moral standards, and familiar family etiquettes, refraining from which is .considered misbehavior

It is obligatory upon the wealthy to ensure the living expenses of their needy .١٥٣ fathers, mothers, paternal and maternal grandfathers and grandmothers, children, .and grandchildren

Even if they do not intend to divorce, in case the husbands are wealthy enough to .١٥۴ pay, it is obligatory upon husbands to pay their wives' dowries, identified in the marriage contracts, whenever the wives demand them. In case the husbands have not yet had sexual intercourse with their wives who demand them to pay their dowries, half of the dowry must be paid. If the dowry has not been identified yet and copulation with the wife has taken place, a familiar dowry(١) (mahr al-mithl) must be paid. However, if neither the dowry has been determined nor has copulation taken place husbands are not required

---

١- - This is a dowry equal to the dowries of women similar to her in terms of familial, .social, aesthetic, religious, intellectual, etc. statuses

to pay anything unless they divorce their wives before copulation. In that case, the husband must pay an amount relative to his own situation, which is then called mut'ah in the terminology of Muslim jurisprudence. It is strictly forbidden to refrain from paying the dowry, to pay a lesser amount than determined, or to force the woman to .give up part of or the entirety of her dowry

It is obligatory upon polygynous husbands to apply justice with reference to . ۱۵۵ sleeping (not copulating) with their wives. This does not apply to men who have only one permanent wife. To explain, a husband who has more than one wife must sleep with each wife equally; if he sleeps with a certain wife once a week, he must sleep with the others, be they one or more, once a week, too. However, this issue is .controversial

It is obligatory upon permanent and temporary wives who have had sexual . ۱۵۶ intercourse with their husbands to observe the period of waiting ('iddah) after separating from them by divorce or legal cancellation of the marriage contract for permanent wives or by termination of the term of the temporary marriage or the optional revocation of the contract for the temporary wives. Generally, a marriage :contract is automatically revoked in the following cases

.a. If the husband apostatizes

b. In cases where both husband and wife are non-Muslim and the wife converts to .Islam while the husband keeps his to his faith

c. Certain cases of breastfeeding, such as when the

mother-in-law breastfeeds her son-in-law’s child, with further details found in books .of Muslim jurisprudence

In all of these cases, divorced or separated women must observe a period of waiting .before they are allowed to remarry

It is obligatory upon permanent and temporary wives to observe the widow’s .۱۵۷ period of waiting immediately after the death of their husbands even if they have not .had sexual intercourse with them

During this period of waiting, it is obligatory upon widows to abandon all sorts of .۱۵۸ adornment and makeup such as using kohl or perfume, or wearing fancy dresses .regardless of the occasion

It is obligatory upon wives who mistakenly have intercourse a man other than .۱۵۹ their husbands to observe a period of waiting from the time of the intercourse. The husbands then must stay away from them. This serves to remove all ambiguity about .paternity should pregnancy have occurred due to the mistaken intercourse

It is obligatory upon a revocably divorced woman to comply with all the rules of .۱۶۰ matrimony during the period of waiting. She is therefore required to refrain from leaving her house without the permission of her husband and to refrain from refusing her husband if he revokes the divorce. Likewise, it is obligatory upon the revocably divorcing husband to comply with the rules of matrimony, such as paying the living .expenses of his wife and not casting her out of the house

It is obligatory upon husbands to break oaths meant to upset their wives. In plain .۱۶۱ words, if a

husband swears that he will not have intercourse with his permanent wife for more than four months or forever, intending to upset or distress her, it is then obligatory upon him to break his oath and engage in intercourse. Moreover, such husbands must make atonement for taking such an oath, which is terminologically called ila'.

۱۶۲. It is forbidden to act with prejudice regarding one's kith and kin, such as introducing them dishonestly, giving them what rightfully belongs to others, turning a blind eye to their violation or oppression, and helping them persecute the others.

۱۶۳. It is forbidden for wives to act contrary (nushuz) and refrain from fulfilling their legal and moral responsibilities towards their husbands without acceptable reason.

۱۶۴. It is forbidden for husbands to act contrary and refrain from fulfilling their legal and moral responsibilities towards their wives and treating them in an unworthy manner.

۱۶۵. It is forbidden for husbands to have sexual intercourse with their permanent or temporary wives before they (i.e. the wives) have reached the age of puberty, be they willing or not.

۱۶۶. It is strictly forbidden for husbands and wives to have sexual intercourse during the wife's menstrual and lochial periods, be they permanent or temporary wives.

۱۶۷. It is forbidden for wives to hide the existence of a fetus in their wombs, to keep their husbands ignorant of their menstrual calendar, or to give false information regarding these issues when it is necessary for their husbands to be informed, such as in case they must know

whether the period of waiting has terminated or not to see if they can return to their .wives

It is forbidden to harass wives with divorce. In other words, it is forbidden for a .۱۶۸ husband to revocably divorce his wife, then return to her at the very end of the period of waiting, and then divorce her again and so on, in order to deprive her of her right to remarry. It is also forbidden to prevent her from remarrying after the termination of .the period of waiting

It is forbidden to cheat the suitors of a woman by describing her falsely and giving .۱۶۹ false information about her health, mental, and physical conditions in order to fool the suitors, whether this action is done by the woman herself or by her legal guardians and whether the defects being concealed are among those that automatically cancel a marriage contract or not. If this happens, the husband, after discovering that the woman has one of the defects that automatically annul a marriage contract, has the .right to cancel the marriage contract without resorting to divorcement

It is forbidden for any duty-bound person who has not performed the tawaf al- .۱۷۰ nisa' ritual in hajj (Women's Circumambulation) or has performed it incorrectly to engage in sexual intercourse with his or her lawful spouse, whether the spouse is male or female, mature or immature, because such a person is considered to have not yet released himself/herself from the state of ihram until he/she or a proxy

on behalf of him/her performs this ritual in the approved manner.

۱۷۱. It is forbidden for the abovementioned person to choose a spouse and get married until he/she performs this ritual. As to persons who do not believe in tawaf al-nisa' as one of the obligatory rituals of hajj, such as Sunnis, to have sexual intercourse with their spouses or to get married is not forbidden or invalid. Thus, it is not forbidden for Shi'ite men and women to marry Sunni women and men who have not performed the ritual of tawaf al-nisa'.

۱۷۲. It is forbidden for men to marry unmarriageable (mahram)(۱) blood kinswomen; namely, the following five categories:

۱. Daughters and granddaughters, however much removed.

۲. Mothers and paternal and maternal grandmothers, however much removed.

۳. Full sisters and maternal and paternal half-sisters.

۴. Daughters and granddaughters of one's full or half-siblings.

۵. Sisters of one's parents, grandparents, and so on.

۱۷۳. It is forbidden for a man to marry anyone who falls within one of the five aforementioned categories because of an illegitimate sexual relationship, such as an illegitimate sister, illegitimate mother, and the like.

۱۷۴. It is forbidden for men to marry anyone who falls within one of the five aforementioned categories as a result of drinking a sufficient amount of a woman's milk and thus becoming her foster (ridha'i) child.

۱۷۵. It is forbidden for women to marry unmarriageable blood kinsmen; namely, the following five categories:

۱. Sons and grandsons, however much removed.

۲. Fathers and paternal and maternal grandfathers, however much removed.

.Full and half-brothers .۳

Sons .۴

.These are illegally marriageable persons due to kinship, foster relation, or the like - -۱

.and grandsons of one’s full or half-siblings

.Brothers of one’s parents, grandparents, and so on .۵

It is forbidden for a woman to marry anyone who falls within one of the five .۱۷۶ aforementioned categories because of an illegitimate sexual relationship, such as an .illegitimate father, illegitimate son, and the like

It is forbidden for women to marry anyone who falls within one of the five .۱۷۷ .(aforementioned categories as a result of ridha‘i fostership (see item ۱۷۴

It is forbidden to marry stepdaughters (i.e. a daughter of one’s wife by another .۱۷۸ marriage) and step-granddaughters, if sexual intercourse has been had with the wife .herself

It is forbidden for a man, after the marriage contract has been carried out, to .۱۷۹ marry his mother-in-law, the mother of his father-in-law, the mother of his mother-.in-law, and so on up

.(It is forbidden for a man to marry his daughter-in-law (i.e. the son’s wife .۱۸۰

It is forbidden for a woman to marry her father-in-law and grandfathers-in-law, .۱۸۱ .however much removed

It is forbidden for a man to marry his father’s wife and it is forbidden for a woman .۱۸۲ .to marry her husband’s son and grandsons, however much removed

It is forbidden for a man to simultaneously have two sisters as wives, whether .۱۸۳ their marriage contract is conducted at the same time or with an interval. In this case, .the marriage with the second sister is forbidden

It is forbidden for a man to marry the daughter of his wife’s brother or sister .۱۸۴ without the permission of his

.wife

It is forbidden for a man to marry the mother, sister, and daughter of a boy with .۱۸۵ whom he has committed sodomy during childhood or maturity. However, it is not forbidden for the sodomized to marry the mother, sister, or daughter of the .perpetrator

.It is forbidden to marry more than four permanent wives .۱۸۶

It is precautiously forbidden to marry a second or more wives permanently for .۱۸۷ .those who know that they will not be able to treat the wives fairly and equally

It is forbidden for Muslim men to marry non-Muslim women with the exception of .۱۸۸ the Ahl al-Kitab(۱) (i.e. People of the Book), although this exception is a controversial .issue among Muslim master jurisprudents

It is forbidden for a Muslim woman to marry temporarily or permanently a non- .۱۸۹ .Muslim man, be he from the Ahl al-Kitab or not

It is forbidden for a permanent wife to leave her house without her husband's .۱۹۰ permission, except in certain cases such as performing the obligatory hajj and 'umrah, urgent medical treatment, and participation in defensive or primary jihad if .individually obligatory or commanded by the supreme religious authority

It is forbidden for fathers to disavow paternity of their children unless they have .۱۹۱ .proof that the child is not theirs and by the verdict of a religious magistrate

It is forbidden for a husband to hinder his wife's right of custody and nursing of .۱۹۲ her own children if she is willing to nurse without being paid or for a wage equal or

---

These are followers of divine religions such as Judaism and Christianity that - -۱ possess divine books as distinguished from those whose religions that are not based .on divine revelations

.less than what others get

It is forbidden to force one's wife to nurse her child if she does not want to, with or .without payment

.It is forbidden to impose on the father a payment beyond his lawful responsibility

It is forbidden to divorce one's wife three times on one occasion. This is not a valid .١٩٣ .divorce and accordingly the wife is not legally detached from matrimony

It is forbidden for a man to remarry his three-time divorcee unless she .١٩۴ permanently marries another man, has sexual intercourse with him, and then separates from him through divorce or his death. After observing the period of .waiting of the divorced or the widow, the first husband is allowed to remarry her

It is forbidden for a woman whose husband is missing to remarry unless she gains .١٩۵ conclusive knowledge of his death or she refers to the supreme religious authority who is required by the divine law to search for the missing husband for four years. If the husband is not found, then the wife's guardian can declare her divorced by a judgment issued by the supreme authority who, also, has the right to declare her .divorced. After her period of waiting elapses, she has the right to remarry

It is forbidden for a husband to swear, in one of the legal forms of oath, to eschew .١٩۶ sexual intercourse with his permanent wife for more than four months, with the intent to upset her. Although such an oath is valid, it is forbidden and

it is obligatory to break it and make atonement, as previously shown in Question No. .۷۱

It is forbidden for a man to accuse his wife of adultery due to likelihood, suspicion, .۱۹۷ or someone else’s word, even if the informer is reliable, before he has absolute conviction. Even if he has such conviction, a husband must not accuse his wife, because this exposes him to punishment if he cannot provide before the judge four witnesses to testify to the wife’s having committed adultery after their testimonies are subjected to certain strict procedures. If not, the husband and wife have to take part in a mutual imprecation of God’s curse upon the lying party (terminologically .(li’an

It is forbidden for a man to marry a woman after they have been the parties of a .۱۹۸ legal form of mutual imprecation. Mutual imprecation of God’s curse upon the lying party (li’an) is a legal procedure according to which a husband who has accused his wife of committing adultery or disavowed her child swears before the judge, using the fourfold Qur’anic forms of oath, that he is the truthful party while his wife is lying. In order to prove her innocence, the wife swears in the same manner that she is telling truth while her husband is lying. Once they do so, their matrimonial contract revoked .and they are forever disallowed from marrying one another

It is forbidden for a husband to remarry his divorcee after he has divorced her .۱۹۹ revocably nine times, even

if she has been married and then divorced by another husband for every three times. After the ninth divorce, it becomes eternally forbidden for the divorcer and the divorcee to remarry. Details of the revocable divorcement can be found in books of .Muslim jurisprudence

It is forbidden to carry out a matrimonial contract with a married woman or a .۲۰۰ woman whose period of waiting due to a previous marriage with another husband has not yet elapsed. If the two parties of such a matrimonial contract have had full acquaintance of this condition, it becomes forbidden for both of them to remarry each .other forever, even after the woman's current husband divorces her or departs life

It is forbidden for a man to marry a woman with whom he has committed adultery .۲۰۱ during her husband's lifetime or during her period of waiting of revocable divorcement. As a general law, it is eternally forbidden to marry a woman with whom adultery was committed during the lifetime of her husband even if the he divorces her .or dies

It is forbidden forever for ex-husbands to remarry their deaf and mute ex-wives .۲۰۲ after they have accused them of adultery, but could not prove it by providing religiously acceptable evidence. In this case, their matrimonial contract is revoked .and they can never remarry

It is forbidden for a man to marry a daughter of one of his parents' sisters if he .۲۰۳ .has had sexual intercourse with her. However, the issue is controversial

In the Islamic .۲۰۴

law, it is strictly obligatory upon women to wear hijab (the modest, covering veil of Muslim women). It is forbidden for women to beautify themselves and show their ornaments and parts of their bodies—except the naturally and normally shown parts, such as the face, the palms of the hands, and the outward appearance of the clothed body—before men other than the following categories:

۱. Husbands,

۲. unmarriageable blood relatives (i.e. father, brothers, and the like),

۳. unmarriageable foster-relatives (ridha'i),

۴. unmarriageable in-laws,

۵. insane and feeble minded men, and

۶. immature boys.

Women who have lost any sexual attraction because of old age or the like matters are allowed to show their body parts on condition that they do not beautify themselves.

۲۰۵. It is forbidden to allow wives to return to their infidel husbands after they, having been proven as faithful Muslims, have separated from their husbands and have taken refuge in the Muslim state. Of course, when a wife converts to Islam, her marriage with an infidel husband is canceled and it is forbidden to return her to the ex-husband; rather, she is allowed to marry a Muslim man.

۲۰۶. It is forbidden for men to look at the body parts of marriageable women (ajnabiyyah) except the face and the hands, whether with the intention of lust and taking pleasure or otherwise. Excepted from this law are the lust-free looks at women who are accustomed to exposing certain parts of their body and do not heed enjoinments to the contrary, such as non-Muslim women and Muslim women

.who imitate them

It is also forbidden to look lustfully and pleasurably at the faces and hands of .marriageable women

It is forbidden for women to look at the body parts of unmarriageable men with .۲۰۷ and without the intention of lust and taking pleasure. Excepted from this law are the .looks at the body parts that are naturally uncovered

It is forbidden for women to look lustfully and pleasurably at the naturally uncovered .body parts of men

Adultery and all kinds of illegal sexual intercourse are forbidden. So are all .۲۰۸ preparatory acts to illegal sexual intercourse, such as conversation, phone calls, correspondence, dating, moving towards an illegal goal, lustful looks, shaking hands, .kissing, and the like

Sodomy (i.e. male homosexuality) is forbidden along with all of its preparatory .۲۰۹ acts, such as kissing and lustful physical contact. Likewise, lustful looks of men at boys .and other men are forbidden

Lesbianism (i.e. female homosexuality) is forbidden, whether the two women are .۲۱۰ relatives, one of them or both are married or single, or one is mature and the other is immature. However, in case that one of them is immature, the effects of violating this prohibition are undergone by the mature only. Likewise, all preparatory acts of lesbianism are forbidden, such as the acts previously mentioned for the prohibition of .sodomy

It is forbidden for two naked men or two naked women to sleep under one cover. .۲۱۱ Excepted from this law are the relatives, like father and his son and mother and her daughter even

if it is not necessary to do so. It is forbidden for men to sleep with non-relative women under one cover even if both are fully clad. Specified punishments have been .determined for committing such sins

It is forbidden to act as intermediary between two persons for committing . ۲۱۲ .adultery or homosexuality

On the whole, all sorts of lustful actions that are intended for taking pleasure are .۲۱۳ forbidden for men (except with their wives and bondwomen) and for women (except with their husbands and masters).(۱) This prohibition is extended to include all sorts of masturbation, and lustful manual and mutual stimulation for sexual pleasure, whether or not the two parties are of the same sex or one party is not human, regardless of .the form of sexual pleasure; e.g. looking, kissing, body contact, or sexual intercourse

It is obligatory upon men to cover their private parts against all discerning . ۲۱۴ persons (i.e. having the power of mind developed enough to discern the good from the bad) regardless of the sex except their wives. The ritual prayers of those who do .not cover their private parts during prayer are invalid

It is forbidden to look at the private parts of others, be they male, female, or . ۲۱۵ hermaphrodite, marriageable or unmarriageable, except for spouses, undiscerning .children, or instances of necessity

Exclusive of husbands, it is forbidden for men to assist women in childbirth, be . ۲۱۶ .they relatives or not, except in urgent cases

It is forbidden to inhibit a man's ability to have sexual intercourse .۲۱۷

According to the law of Islam, the unmarried women that are owned by men due – –۱ to slavery are legally considered their wives. Owing to the wisdom of the Islamic .legislation, slavery was abolished, yet gradually

by depriving him of sexual appetite or power towards his present or future wife through means such as casting a spell upon him, using certain medications, and any other means. It is also forbidden to inflict such means on a wife in order to make it .impossible for her husband to have sexual intercourse with her

Abortion and removal of a fetus from the womb after the fertilization of the ovum .۲۱۸ whether at the beginning of the fertilization or in later stages is forbidden, whether this is done by the parents or a third person and whether their permission is or is not obtained, except in cases of emergency, such as danger to the life of the mother. Miscarriage, regardless of the stage, is a sin that necessitates atonement and .payment of blood money

Medical examination, treatment, surgery, care, and childbirth of women, requiring .۲۱۹ sight and touch of body parts must be done by female physicians except in cases of .necessity and emergency

Medical examination, treatment, surgery, and care of men, requiring sight and .۲۲۰ touch of body parts must be done by male physicians except in cases of necessity and .emergency

Part ۲ Chapter ۴: Laws Pertaining To Financial And Ownership Affairs

It is obligatory upon every man and woman to engage in work and other lawful .۲۲۱ ways of earning, in order to provide their living expenses and that of their dependants and to settle their debts. This rule is applicable to every person who has the ability to work and make money and whose expenses cannot be maintained

in any other way. It is forbidden for any person to refuse a job that is within his/her ability that suits his/her personality, and meets the abovementioned needs.

۲۲۲. It is forbidden to use derelict lands, public resources of water, and unknown-owner properties more than needed such that others are deprived of their use, although the use of them is allowed in itself.

۲۲۳. It is forbidden to act extravagantly; that is to use one's own belongings in an excessive manner, leave them unattended until they are wasted, or give others the permission to waste them.

۲۲۴. It is forbidden to squander; that is to use one's property in an unlawful way.

۲۲۵. It is obligatory upon the owners and breeders of domestic animals such as camels, cows, sheep, horses, mules, chickens, bees, and the like to provide their fodders or to turn them out to feed in pastures; otherwise, the owner must sell them or transfer their ownership.

۲۲۶. It is forbidden to slaughter an animal with pronouncing a name other than the Name of God—a name of something that the speaker considers holy, stated to gain proximity with it—such as offering animals to an idol, the sun, a sheep, a rock, an old tree, etc. In addition to the prohibition of this act, it wastes the life of the animal and it is regarded as worthless damage of property.

۲۲۷. It is obligatory upon a usurper of a property or a person who has acquired a usurped property from another to return it to

its owners as immediately as possible. In addition to restoring to its owner, it is obligatory upon a usurper or holder of a usurped thing to make the following :reparations

.Return of the property itself .۱

.Payment of an adequate rent for the time it was usurped .۲

.Recompense for damage caused by the usurper .۳

Giving back the benefits obtained from the usurped thing, including produce such as .۴ .milk, wool, offspring, etc. and revenues

.Fully compensate for consumed or lost benefits with money .۵

It is obligatory to restore the properties of others even if they were not gained by .۲۲۸ means of usurpation if they do not have the right to keep them and the properties are restorable; otherwise, the current keeper of such properties is required to make the .aforementioned reparations

It is obligatory to compensate a just amount for a usurped property if it exists but .۲۲۹ cannot be returned, such as a gold coin or ring that has fallen into a well or a river, or a property that has been confiscated by a tyrannical person and cannot be taken back. This recompense is called badal haylulah (compensation for unreturnable things) in .the language of Muslim jurisprudence

It is obligatory upon all those who held a usurped property to satisfy the owner, .۲۳۰ because the owner has the right to ask for her/his property from any one of them. To explain, if, for example, a property was handed down through ten persons the last of whom wasted it, the owner will have

the right to ask for his property from any one of the ten persons. When the owner asks for his/her property from one of them, she/he must pay its price and then refer to the person to whom he/she gave that property. Finally, the compensation is paid by the person who has used up or lost the property. If, in this case, the property is available in the hands of the tenth person, the owner can still demand her/his property from any one of them and it is obligatory upon that one to provide the property and give it back to its owner. If he/she cannot, she/he must pay an amount .equal to its worth as compensation of unreturnable things

It is obligatory to announce found property (luqatah). If one picks up a thing of .۲۳۱ unknown ownership or he/she is given a thing of unknown ownership, she/he must then announce that thing being in his/her possession. If a found property is in the possession of a single person, it is individually obligatory upon her/him to announce it, but if it is in the possession of a group of people, it is not obligatory upon all of them to .announce it; rather, it is sufficient for one of them to announce it

It is obligatory to pick up and protect a foundling (i.e. a child whose guardian has .۲۳۲ for any reason abandoned him/her and who is exposed to death) whether infant or .not, discerning or undiscerning

It is forbidden to give .۲۳۳

and receive usurious money (i.e. money lent at interest) whether the giver or taker is a relative or nor, except in the following cases:

۱. The recipient is in extreme need and has no other option.

۲. The recipient is Muslim but the giver is not.

In the two above cases, interest is allowed for the recipient.

۳. The recipient and the giver are father and son.

۴. The recipient and the giver are spouses.

۲۳۴. Fraud in dealings is forbidden, which involves selling a product in the name of another product, selling a mixed product described as a pure one without informing the customer, or selling a product that seems to be something other than what it is, be it food, clothes, means of transportation, housing, etc. Fraud in transactional deals is also forbidden, such as contracts of lease, partnership, sharecropping, and the like.

۲۳۵. It is forbidden to enter another person's property, such as house and ranch, before obtaining his/her approval unless there is a specific or general indication of the owner's approval.

۲۳۶. It is forbidden to make any sort of disposition of the possessions of others before obtaining permission, or if there is doubt or hesitation about their permission, regardless of whether the disposer is poor or wealthy, whether she/he intends to make compensation or not, and whether he/she is family or otherwise. Excepted from this law are the following cases:

۱. Cases of emergency.

۲. Making disposition of the others' property having the status of right of passage. To explain, if a person incidentally passes

by an orchard or a fruitful tree, he/she has the right to eat some of its fruits by picking some fruits from the tree or picking up the ones that have fallen to the ground, even if .the permission of the owner is in doubt

Making disposition of the houses and household furniture and appliances that God .۳ has given permission to make disposition of. These are namely the houses of one's children, father, mother, brothers, sisters, uncles, aunts, and friends, and also houses which one (rightfully) possesses the keys of. According to the law of Islam, it is allowable to use the possessions in these houses without need for obtaining their owners' permission. The disposition allowed at such houses without obtaining their owners' permission includes such ordinary matters like sitting, sleeping, performing .and offering prayers, eating, and drinking from the available foods and drinks

Usurpation is forbidden. This means that it is forbidden to appropriate others' . ۲۳۷ properties wrongfully. Usurpation may take various forms. It may be in the form of (۱) making changes to the properties of others, (۲) making use of the other's properties themselves or of their benefits, like the domination of an owner over his/her property after she/he has rented it out, (۳) appropriating wrongfully the others' prerogatives, like controlling over an uncultivated land after someone else has fenced it, (۴) appropriating the others' rights, like the domination of a debtor over the property ,he/she has charged in favor of a creditor as security for a debt

before obtaining the creditor's permission, or (۵) actions, like forcing a person to do a definite action.

۲۳۸. It is forbidden to take possession of derelict lands that fall inside the borders of the properties of others or that the use of which interferes with another person's right or property. For instance, it is forbidden to dig a well within the perimeter of the well of others, causing them loss.

۲۳۹. It is forbidden to make disposition of one's own property in a way that causes loss for neighbors or other people in the event that to avoid making this disposition does not cause loss and severe hardship to the owner him/herself.

۲۴۰. It is forbidden to make changes in public ways, roads, and streets in a dominating manner or any other manner if doing so is obtrusive to people's passage.

۲۴۱. It is forbidden to construct balconies, install rainwater pipes, dig underground tunnels, dig a well, and make a stream in a public way if doing so is obtrusive to pedestrians.

۲۴۲. It is forbidden to take possession of any animal that is found in villages or cities, such as cows, sheep, and chickens. It is also forbidden to take possession of animals that are found in deserts that can protect themselves from predators by means of escape or defense, such as horses, camels, cows and buffalos. If they are taken, then their safety must be guaranteed.

۲۴۳. It is forbidden to take possession and make disposition of properties or unknown ownership other than luqatah

i.e. found property with specific attributes), whether they are kept by the person) .himself or given to another person

Setting off against a debtor is forbidden. To explain, it is prohibited for a creditor .۲۴۴ to take secretly her/his due from the debtor's property while the debtor intends to pay .his/her debt

It is forbidden for beneficiaries of zakat and khumus taxes to take secretly their .۲۴۵ portions from the property of persons who owe these dues except by the permission .of the supreme religious authority

Part ۲ Chapter ۵: Laws Pertaining To Food, Dress, and Ways Of Self-Protection

It is obligatory to protect oneself against any significant harm and against any .۲۴۶ .food, drink, and bodily movement, which causes notable harm or serious disease

It is obligatory to defend oneself in any possible way against danger and causes .۲۴۷ of death, whether the menace is human, animal, or an event in nature, even if the .defense causes harm, injury, or death to the attacker

It is forbidden to eat the meat, eggs, and other body parts of marine animals, .۲۴۸ except for fish with scales. Also, it is forbidden to eat the eggs and body parts of .animals whose meat is haram

It is obligatory to slaughter, according to Islamic standards, the animals whose .۲۴۹ meat is halal for eating and other uses and to slaughter, according to Islamic standards, the animals whose meat is haram for uses and benefits other than eating. There are certain Islamic standards for slaughtering any animal. For instance, camels are slaughtered from the jugular notch, i.e. the hollow at the

bottom of their necks, (this type of slaughter is used for camels and it is called nahr), other animals by cutting their jugular veins, wild animals by hunting, marine animals by bringing them out of water while still alive, and grasshoppers by trapping them in a container or a special place for this purpose, or by emergency slaughtering. In cases of emergency, animals may be slaughtered in a non-standard form. For example, a cow that falls into a well and is about to die may be stabbed with a piece of iron while pronouncing the phrase 'bismillahi (in the Name of God)' so that its blood is shed and .slaughtering takes place

It is forbidden to eat the meat of a dead animal (i.e. an animal that is not .۲۵۰ slaughtered in a lawful way), be it domestic, wild, desert, or marine, such as the strangled, the dead through beating, the dead through falling from a height, that which has been killed by the goring of horns, that which is killed by wild beasts, and that which has been immolated unto idols. In any of these cases, however, if the animal can be slaughtered according to Islamic standards before death their meat is halal. Also, in cases of emergency the aforementioned meat may be consumed. The prohibition of eating the meat of dead animals is the same whether the flesh of the dead animal is impure, i.e. najis, (such as dog and swine) or pure, i.e. tayyib, (such as ,fish). However

whether or not it is legal to use the body parts of animals whose flesh is impure is .controversial, such as the skins of swine and dogs

It is forbidden to eat the meat obtained from the markets of unbelievers, from an .۲۵۱ unbeliever in non-Muslims markets, or from a Muslim who has bought it from an unbeliever. The skin of an animal obtained in this way is impure and it is wrong to use .it

It is forbidden to eat the meat of various small ground and sky animals, whether .۲۵۲ they have gushing blood—like rats and porcupines—or not—like frogs and snakes—.except for grasshoppers, which are halal

.Of the domestic animals, it is forbidden to eat the meat of cats and dogs .۲۵۳

It is forbidden to eat the meat of predatory animals such as lions, leopards, . ۲۵۴ .wolves, fox, hyenas, and jackals

It is forbidden to eat the meat of the various metamorphosed creatures— . ۲۵۵ creatures that were originally evil humans of ancient rebellious nations, transformed by God the Almighty as punishment—such as elephants, monkeys, pigs, bears, and .rabbits

It is forbidden to eat the meat of birds that have talons, such as hawks, eagles, . ۲۵۶ .falcons, and vultures

It is forbidden to eat the meat of the various kinds of crows, whether black, . ۲۵۷ .spotted, or otherwise. This issue is controversial

It is forbidden to eat the meat of birds that always or usually fly with open wings, .۲۵۸ without flapping them, and birds that do not have crops, gizzards, and spurs, except those that are

.specifically stated as halal in traditions

.It is forbidden to eat the eggs of the birds whose meat is haram .۲۵۹

It is forbidden to eat the meat of halal animals that have become used to eating .۲۶۰ human excrement. This prohibition remains effective until the habit is broken and its .normal cleanliness is restored

It is forbidden to eat the meat of a halal animal with which a human being has .۲۶۱ committed a sexual act. It is also forbidden to drink their milk, eat their eggs, or even .eat the meat of the offspring of such animals

Some body parts of halal animals are forbidden to eat even if they have been .۲۶۲ slaughtered legally. These parts are namely: (۱) both male and female genital organs, (۲) uterus, (۳) bodily glands, (۴) testicles, (۵) pea-like parts of the brain, (۵) spinal cord, (۶) the fat on the two sides of the backbone, (۶) gall bladder, (۷) spleen, (۸) urinary bladder, (۹) pupil of the eye, and (۱۰) the center of hooves. However, some above .items are subject to controversy

It is forbidden to eat and drink impure things (najis), such as dead bodies, blood, .۲۶۳ .the meat of a dog or swine, wine, and all other intoxicating liquids

It is forbidden to eat and drink pure and clean foods and drinks that are unpurified .۲۶۴ .due to contact with impure things

It is forbidden to use things that are normally intoxicating, even if they do not .۲۶۵ intoxicate on exception. The prohibition of using such

things include eating, drinking, injecting, smoking, rubbing on the body, sniffing, or .even wearing, since there are certain clothes that cause intoxication

It is forbidden to take part in a gathering in which alcoholic and intoxicating liquids .۲۶۶ .are served

.It is forbidden to drink beer, even if it does not cause intoxication .۲۶۷

It is forbidden to drink the grape juice that has boiled on fire and two thirds of its .۲۶۸ quantity have not evaporated. This is also true in case that it has boiled under sunlight .or on its own

It is forbidden to eat and drink anything that causes notable harm to the body and .۲۶۹ to use any thing that causes notable harm, whether it causes death, paralysis of limbs, impairment of constitution, or disablement of any of the bodily abilities, like the .ability to reproduce and give birth

It is forbidden to cut off any of the body parts unless there is justifiable reason. It is also forbidden to use any substance that brings about obvious harm to the mind and .spirit

.It is forbidden to eat any kind of dust or mud, whether small or large in amount .۲۷۰

It is forbidden to abstain forever from eating the good things God had deemed .۲۷۱ legal. These good things include allowed actions, allowed pure food and clothing, and all the natural gifts and bounties that Islam has not forbidden. To abstain forever from .doing something is to claim that this thing is forbidden in the law of Islam

Part ۲ Chapter ۶: Laws Pertaining To Contracts And One–Side Decisions

It .۲۷۲

is obligatory upon every duty-bound person to fulfill his/her pacts and commitments. :In Islamic law, pacts are of three types

Pacts that God has made with His servants, such as the obligations and prohibitions .١ .that God has charged upon His servants through His prophets

Pacts people make with themselves such as an oath, vow, or promise to perform or .٢ .abstain from a specific act

The commitments people make with each other, including mutual agreements or .٣ contracts (‘aqd)—such as business dealings—and one-sided resolutions—such as .divorce, acquittance, and annulment of a contract

All the above are considered by the Islamic law pacts and covenants and it is obligatory to fulfill all of them according to their conditions. A brief example of each is .stated in the following issues

It is obligatory upon both parties of an irrevocable contract (‘aqd-e lazim) to act .٢٧٣ according to their agreement and to undergo all of its effects and stipulations, whether the contract is verbal, written, practical, or reciprocal delivery. An ‘aqd is a contract based upon the consent of both parties. There are two types of contracts :((‘aqd

Irrevocable contracts: The contracts whose parties have no right to revoke except (١ .in special cases

Revocable contracts: The contracts whose parties have the right to revoke at any (٢ .time

Whatever is commonly considered a contract is an irrevocable contract unless there .is evidence to the contrary; thus, violating such a contract is forbidden

:Now let us refer to a few irrevocable contracts

Transaction (mubaya’ah), i.e. buying and selling: It is obligatory .١

upon the selling party to transfer the purchased commodity to the buyer after concluding the deal, and it is obligatory upon the buying party to pay the set price to the seller, except in certain cases. It is forbidden for the two parties to violate the .contract

Lease (ijarah; a contract comprising the possession of benefit, which is a job or the .۲ like, in return for compensation): It is obligatory upon the lessor to convey the leased property, service, etc. to the lessee. In property lease, the property must be conveyed, and in hiring people, the hired person must be made available. It is obligatory upon the lessee to pay the rent to the lessor. It is forbidden for any of the .parties to violate the contract except in special cases

Endowment (waqf; endowment of property to be devoted to a religious or . ۳ charitable purpose): It is obligatory on the donor and the beneficiary to act according to the endowment contract after delivery of the endowed property and concluding the contract. It is forbidden for the donor to revoke or change the endowment stipulations after the closing of the contract. It is forbidden for others to annul or change the endowment stipulations after the death of the donor, whether the endowment is public, such as mosques, schools, and bridges, or private, such as .endued to the children of the donor exclusively, except in some cases

Settlement (sulh; a transaction involving seeking agreement between two persons .۴ on possessing of a property

or canceling of a debt or a right, be it with compensation or free): It is obligatory upon the parties of a settlement contract on an ambiguous property, a disputed debt, or an action to act according to the articles of the contract, and it is forbidden for them to violate these articles except in special cases.

۵. Will (wasiyyah; a formal declaration involving investment with ownership or authorization of a certain disposal after death): It is obligatory upon the executer of a will to act according to its articles after accepting and confirming it. To violate any of these articles is forbidden. It is also forbidden to refrain from acting upon the will, delay it beyond the required time, change the aim of the testator, or refrain from acting upon some of its articles. It is also forbidden for a testator to will unfair things, such as depriving certain heirs of their inheritance, deciding not to pay the dues of a creditor, or using the property for sinful actions.

۶. Matrimony: It obligatory upon the two parties to act upon the lawful responsibilities after the concluding of this holy covenant. Refraining from acting upon any of the marriage responsibilities is a violation of the covenant and strictly forbidden.

۷. Sharecropping (muzara'ah): This is a farming contract by with usually one party pledges to supply land, water, and facilities and the other undertakes sowing and cultivation of crops. It is obligatory upon the two parties to act according to this contract, and it

is forbidden to violate it.

۸. Share-irrigating contracts (musaqat): This is a contract comprising the agreement of irrigating and watching over the trees of another person to a specified term with a share of the produce. It is obligatory upon the two parties to act according to the contract, and to dissolve it is violation of the contract, which is forbidden.

۹. Mortgage (rahn): This is a property given as pledge for a debt. After the contract is made, it is obligatory for the debtor to deliver the collateral to the creditor who must keep it as security for the debt. It is forbidden for either of the parties to take possession of and make changes in the mortgaged property or to violate the contract, except by the consent and agreement of both parties.

۱۰. Competition (musabaqah): In Islam, horseracing, some other types of races, and archery have been declared permissible. After determining the conditions, the prize of the race, and the success of the winner, it becomes obligatory to give the prize to the winner and it is forbidden to violate the transaction. The same conditions are applied to the shooting competitions.

۱۱. Guaranty (dhaman): This is when one person undertakes the debt of another person. When such contracts are concluded, it becomes obligatory upon the guarantor to consider himself the debtor and to pay the guaranteed property to the creditor. To violate such contracts is forbidden.

۱۲. Debt Transfer (hawalah): This is a transaction in which a debtor refers the creditor to another

person, i.e. a second debtor, for receiving his/her due. It is obligatory upon the debtor and the party who accepts the debt transfer to act upon the contract, the violation of .which is forbidden

Surety (kafalah): This is when a person undertakes to present a third party who .۱۳ owes a debt or blood money, or deserves retaliation whenever the entitled party requests. After concluding the contract, it becomes obligatory upon the guarantor to bring the debtor at any time the owner of the right wants, and if she/he cannot ensure .his/her presence, the guarantor her/himself must pay the debt or blood money

Donation (hibah; a contract involving transfer of ownership without compensation): .۱۴ In this revocable contract, taking back the donated property is allowed except in the :following cases in which it is forbidden to take back the donated property

A. Reciprocal Donations: This means that a person gives something as donation to another person who reciprocally gives her/him something in return, or that a person states as a condition that the donated person should give him/her a donation in .return, even if the second person has not yet given her/him anything

.B. Donations intended for seeking nearness to God

.C. Donations to relatives and kinsfolk

.D. Donations that are consumed or destroyed while in the possession of the donee

.E. Donations that are no longer possessed by their recipients

.F. Donations whose donors have died and their heir demands their return

.G. Donations whose donees have died and the doner wants to retrieve it

It is not forbidden

to take back a donation except in these cases. Similarly, to cancel other revocable contracts is not forbidden, such as in limited partnership, trust, free lending, .attorneyship, and mortgage for the recipient of mortgages

After the composition of the majority of the one-sided contracts ('«qa'), it becomes .۲۷۴ binding to fulfill these commitments, since to violate or cancel them is forbidden. .Examples of one-sided obligations are stated below

It is obligatory on all duty-bound persons to commit themselves to their proper .۲۷۵ .oaths (qasam), i.e. oaths in God's name

It is obligatory to act upon one's vow (nadhr), which is to undertake something as .۲۷۶ .a duty to God

It is obligatory to act upon a promise, which is to make a covenant with God to .۲۷۷ perform a certain act. Violation of any of these three commitments results in obligatory atonements. The details of these atonements can be found in the books of .Muslim jurisprudence, under the title kaffarat

Perjury (i.e. false swearing) is forbidden. In the terminology of Muslim . ۲۷۸ jurisprudence, such false swearing is called yamin ghamus; which means an oath that .drowns the person in an ocean of sins

It is obligatory to protect deposits and trusts until they are given back to their . ۲۷۹ owners. Trust stands for a property that is entrusted to a person by its owner, such as deposits entrusted to trustees, properties rented to a tenant, properties of an employer in the hands of the employees, and properties entrusted to the other party of a limited partnership

.contract, a sharecropping contract, and a share-irrigating contract

It is obligatory to protect and return to the owner the trusts that have been kept .۲۸۰ in the custody of a person by permission of the law, such as found properties, .foundlings, and properties accidentally forgotten inside a purchased house or chest

It is obligatory to give full measure in weight, number, area, inspection, and any .۲۸۱ other unit, whether the measurement involves the delivery of sold merchandise, equivalence, price, payable loan, share of beneficiaries, or distribution of inheritance. Violation of giving full measure is strictly forbidden. In the terminology of Muslim jurisprudence, such violation is called tatfif, meaning giving a deficient or insufficient .measure of something, be it a debt or one of the duties towards God

It is obligatory to settle and pay up the debts and dues in their due times if their .۲۸۲ owner asks for settlement and the debtor has the ability to pay, whether the liability is to a person, such as debts whose deadline has arrived, monetary atonements for causing death or loss of property, or a religious tax, such as khumus, zakat, and kaffarah. It is strictly forbidden to refrain from paying the dues and property of others, whatever the due may be and to whomever it must be paid, except in certain .cases

It is obligatory to pay the commission (ju'alah; a pronouncement involving taking .۲۸۳ upon oneself the rendering of a remuneration in return for a certain work) after the work is done accordingly. For

example, if a person says, 'I will give whoever finds my car one hundred dollars,' and then a person finds it and gives it to its owner, the owner of the car must immediately .pay the hundred dollars to the finder

It is obligatory upon the partners in the possession of a property to distribute it .۲۸۴ among themselves when one of them asks for his/her share, on the condition that this .distribution does not cause loss to them and does not make them pay anything

It is obligatory upon a person who confesses something to act according to .۲۸۵ her/his confession as long as this confession causes him/her loss, but not benefit. For example, if a man admits having a child, he must provide for the education and living expenses of that child, but he does not have a parental right on him. If he dies, the child will inherit his wealth, but he will not be given inheritance if the child dies. If the father becomes poor, he does not have the right to take his living expenses from the .child

It is obligatory upon the creditor to grant his/her debtor respite if it is proved that .۲۸۶ the debtor does not have the ability to pay her/his debt. It is forbidden to pursue him/her, take legal action against her/him, and put him/her in jail. It is also forbidden to force her/him to sell his/her essentials of life, such as her/his house and furniture in .order to pay his/her debt

It .۲۸۷

is obligatory upon all duty-bound persons who feel the imminence of death to try their bests to return the trusts, properties, and debts they owe people, to perform the obligatory devotional acts they have missed, such as prayers, fasts, hajj and ‘umrah, and make the physical and monetary atonements. In case a person is unable to make up all these missed duties, she/he must inform his/her heirs and bid their performance .after her/his death

It is forbidden to break a promise without acceptable reason, even if fulfilling this .۲۸۸ promise was not intended at the time of promising or the promising person has .changed his/her mind later. However, this issue is subject to controversy

It is forbidden for a borrower to use the lent property in a way other than stated in .۲۸۹ the contract. In this case, she/he is liable for the property if it is lost and must also pay .the common fee for uses not stated in the contract

It is forbidden for a person judged as bankrupt to take possession of and make .۲۹۰ changes in her/his own property if the judge determines him/her to be under interdiction, except for the properties that are not part of the confiscation, such as .his/her private house, furniture, and living requirements

Forbidden is the betrayal of trusts, which means to make impermissible . ۲۹۱ disposition of trusts, neglect protecting them, and fail to safeguard them suitably thus exposing them to damage, whether these trusts belong to people or to God. In addition to being

forbidden, this action also brings about liability. This law is also applicable to the trusts .of non-Muslims. However, it is controversial issue

It is forbidden for any of the partners to make disposition of the shared property .۲۹۲ or right before obtaining the permission of the other partners, except in necessary .cases

Part ۲ Chapter ۷: Miscellaneous Laws Pertaining To Mental And Physical Issues

Haughtiness is forbidden, meaning to see oneself as superior and to regard other .۲۹۳ believers as inferior. To have this quality and not to restrain it in one's inner self is a sin, whether we consider it an attribute that invalidates a person's justness or not, since it is an inner sin. Showing the effects of haughtiness in one's words and deeds is .forbidden, even if we do not regard its original existence in the inner self as forbidden

Envy is forbidden, that is, it is forbidden to have this quality in one's inner self, to .۲۹۴ .abide by its continuance, and to show its effects in one's words, writings, and deeds

It is forbidden to despair of God's mercy, that is, to continue to have this feeling .۲۹۵ while it is possible to overcome it. Words and deeds that are said and done under the .effect of this feeling are forbidden, just like haughtiness

.To feel secured against God's wrath is as forbidden as despair of His mercy .۲۹۶

It is forbidden to have ill thoughts about God. For example, to believe that God has .۲۹۷ not acted fairly towards oneself with regard to the distribution of children and wealth, that

He has given less rewards to oneself than others or has determined severer punishments, or that He has placed more calamities than deserved, etc. This sin is .also an inner state and it may lead to unbelief

It is forbidden to feel angry and dissatisfied towards divine providence, whether .۲۹۸ one's own or that of another person, especially if followed by verbal objection. .However, this issue is controversial

It is forbidden to suspect or to have ill thoughts about a believer if one manifests .۲۹۹ .them in speech or action

It is forbidden to act upon one's conjecture or speculation (as opposed to .۳۰۰ knowledge), whether in principles of faith or in practical religious laws, whether in affirmation or denial of a duty, such as decreeing a certain act to be obligatory or forbidden, or to abnegate oneself of a proven decree through one's personal .speculation

It is forbidden for men to effeminize themselves through such means like wearing .۳۰۱ feminine clothes. Likewise, it is forbidden for women to assume masculine manners through such means like wearing specifically male clothing. However, this issue is a .matter of controversy

It is forbidden for men to adorn themselves with gold, such as wearing golden .۳۰۲ rings, bands, and necklaces, and gilding one's front teeth with the intention of ornamentation. In addition to being forbidden, such things invalidate ritual prayers. This is regardless of whether the gold is yellow or red, pure or mixed. None of the .aforementioned, however, are forbidden for women

It is forbidden for men .۳۰۳

p: ۸۸

to wear any item of clothing made of silk, including silk hats and gloves, at any time, including the times of performing ritual prayers. Accordingly, such prayers are invalid except in necessary cases. This precept does not appertain to women, i.e. wearing silk .is halal for women

It is forbidden to disrespect the Holy Qur'an, the Divine Attributes, and the names .۳۰۴ of the prophets and the Infallibles (peace be upon them). Some of these cases are .instances of disbelief (making a person an unbeliever) and others iniquity

It is forbidden to disrespect and insult the Holy Ka'bah, the Holy Prophet's . ۳۰۵ Mosque, all mosques, and the shrines of the Infallibles (peace be upon them). It is also :forbidden to disrespect the following

The religious reference books, such as Nahj al-Balaghah, al-Sahifah al-Sajjadiyyah, .۱ ,al-Kafi, and Wasa'il al-Shi'ah

The religious master scholars and master jurisprudents whom are known for piety .۲ ,and reverence

religious venues, such as Husayniyyah (i.e. places dedicated to commemorating .۳ Imam al-Husayn's martyrdom and delivering lectures about his uprising and its spiritual, moral, political, social, and doctrinal features) and theaters for religious ,plays

the tombs of the famous and honorable descendants of the Holy Infallibles, and .۴

the days of God, such as the months of Sha'ban and Ramadhan and Islamic feast .۵ .days

It is forbidden to disrespect and dishonor the stated sacred things by word or deed, because this is considered disrespecting the religion of Islam and the sanctities of .Shi'ism

It is forbidden to use for any purpose golden or silver .۳۰۶

.vessels, such as trays, plates, spoons, cups, teapots, saucers, vases, and the like

.It is forbidden to carve statues of complete human or animal bodies .۳۰۷

Astrology is forbidden, meaning to believe in the voluntary and independent . ۳۰۸ .influence of heavenly bodies on earthly events and to give rulings according to it

Singing with modulation between bass and high tones, is forbidden, when . ۳۰۹ occurring with vain lyrics and musical instruments, and appropriate for gatherings of .dance or revelry

It is forbidden to play musical instruments, such as tambourine, flute, guitar, lute, .۳۱۰ violin, and piano, and to listen to the playing of these instruments when the quality of .the music is suitable for gatherings of frivolity, dance, or revelry

It is forbidden to forge lies against God, the Holy Prophet, and the Holy Infallibles .۳۱۱ without a religiously acceptable reason, whether during Ramadhan or in any other season. The difference between this type of lie and others is that the intellectual offensiveness and religious prohibition of the former is considered far graver than the latter. Such forgeries invalidate the fasting when they are told during a fast-day of .Ramadhan

Any action that is preparatory to the commitment of a sin is forbidden, even if the .۳۱۲ action is allowed in itself, like studying the basics of spying for foreigners, learning how to gamble, how to produce narcotics, and methods of fraud, and arranging for .the preliminaries of murdering or hurting people

It is forbidden for men to shave their beard or to cut it in .۳۱۳

.a way that the skin of the face shows. However, this issue is controversial

It is forbidden to enthrall believing jinn, angels, and spirits of dead believers in a .۳۱۴ .way that causes them distress or pain

It is forbidden to make up a fake dream and narrate it to others. This is a kind of .۳۱۵ .lie but it has been mentioned separately because it is frequent

It is forbidden to commit suicide, which entails the same laws of homicide, except .۳۱۶ .in cases of emergency

It is forbidden to settle or reside in places or countries that entail alteration of .۳۱۷ one's Islamic beliefs and humane morality or incompliance with Islamic obligations .and restrictions

It is forbidden to gamble and bet in any way and with any device, whether local or .۳۱۸ imported equipments and cards or modern or traditional devices, even with eggs, a ring, by making two animals fight, jumping the highest, weightlifting, and the like betting competitions, except for the lawful competitions, such as horseracing, races with other means of transport, shooting competitions, and similar competitions, which can be used in initiative or defensive war. It is also forbidden to play with gambling .tools even without betting. However, this latter issue is controversial

Consequently, it is obligatory to destroy or modify the tools of gambling as well as musical instruments. In general, one must destroy any tool that is used for unlawful .purposes and does not possess a significant permissible usage

,It is forbidden to play chess with and without betting .۳۱۹

if this game is commonly played for betting. If it is played without betting in a certain
.milieu, for reasons such as intelligence competitions, it is apparently not a problem

It is forbidden to teach or learn any action that is considered as magic, witchcraft, .۳۲۰
or sorcery except in certain cases, such as preparing to confront wicked magicians
.and negate their sorcery

.It is forbidden to establish centers for corrupt and sinful actions, such as casinos .۳۲۱

It is forbidden to write, publish, distribute, store, and promote vain and misleading .۳۲۲
books on beliefs, moralities, and deeds. It is also forbidden to do any service and to
.receive any profit from this way

It is forbidden to assist and help oppressors and tyrants in their oppression, or to .۳۲۳
become their helper at all, whether this assistance is related directly or not to these
.oppressive acts. It is also forbidden to gain profits in this way

It is forbidden to take part in gatherings in which alcoholic drinks and intoxicating .۳۲۴
.liquids are consumed, even for those who do not consume these intoxicants

It is forbidden to create a dispute between two or more persons or groups, . ۳۲۵
causing enmity between them and resulting in fighting, injury, murder, and other
.corrupt actions

It is forbidden to have affinity, reliance, and trust in oppressors in life affairs, . ۳۲۶
whether in heart or in deed, even if these feelings do not contribute to their
.oppression

,It is forbidden to steal and rob others' properties except in special cases .۳۲۷

such as when a debtor does not intend to pay back his/her debt while she/he is able to, and the creditor has no other way to retrieve his/her money other than seizing her/his .due stealthily. In this case, it is permissible to steal the due amount only

It is forbidden to accuse falsely an innocent believer, meaning to charge him/her .۳۲۸ with a wrongful act she/he has not done or an act that he/she does not want to be .attributed to her/him

It is forbidden to speak ill of, swear at, and use abusive language against a .۳۲۹ .believer

.It is forbidden to mock and make fun of a believer .۳۳۰

.It is forbidden to give an indecent name or a bad nickname to a believer .۳۳۱

.It is forbidden to bother or irritate a Muslim without a religious authorization .۳۳۲

It is forbidden to violently or offensively dismiss an orphan or a poor person from .۳۳۳ .one's house

It is forbidden to invoke curse upon a living or dead believer. This is a matter of .۳۳۴ .controversy

It is forbidden to blame a believer for his/her calamities, defects, physical faults, .۳۳۵ .disease, etc

It is forbidden to oppress and do injustice to any human being and even any .۳۳۶ harmless animal. However, there is no objection to beating and killing harmful .animals, which may be obligatory in certain conditions

It is forbidden to kill any person. In other words, killing Muslims and disbelievers .۳۳۷ whose death has not been authorized, such as Dhimmis (unbelievers who live under the protection

of Muslim governments), scriptuaries, and those granted security, like refugees in .Muslim countries

It is forbidden to look into other people's houses from higher places or from a hole .۳۳۸ .in the wall without their consent

It is forbidden to investigate about a believer's beliefs and secrets with the .۳۳۹ .intention of bothering or disgracing him/her

It is forbidden to backbite a believer who does not openly display her/his sin; that .۳۴۰ is, to disclose his/her defects and faults without her/his consent, by means of words, .writing, deeds, or any other means

Talebearing is forbidden, which is to cause dispute between two or more persons, .۳۴۱ .hatred, and any other evil

It is forbidden to have secret conversations regarding sins, such as exchanging .۳۴۲ secret information about harming, mocking, or humiliating a believer or about other .sins, using words in private, whispering, or gestures

It is forbidden to disseminate corrupt actions among the believers, whether by .۳۴۳ .disseminating the act itself or by disseminating the incrimination an innocent

It is forbidden to salaam and to respond to salaams of unbelievers, and ask God .۳۴۴ to forgive disbelievers, especially polytheists without a religiously acceptable reason or without necessity. The same thing is applicable to oppressors the strengthening of .whom would cause harm to Islam and Muslims. However, this issue is controversial

It is forbidden to shelter a murderer, a militant enemy, or a criminal with the .۳۴۵ intention of preventing the execution of God's punishment imposed on them. It is also forbidden to do so in the name of

.law

It is forbidden to establish heartfelt affection with disbelievers in a similar manner .۳۴۶ to believing friends and family. It is also forbidden to become friends wit them. Furthermore, it is forbidden to establish good cultural, political, military, and economic relationships with the governments and companies ruled and managed by unbelievers which naturally results in weakening and endangering the Islamic government and causing deviation in the beliefs and actions of Muslims, except in cases of taqiyah (i.e. self-protection; the practice of concealing one's belief and foregoing ordinary religious duties when under threat of death or injury to oneself and one's fellow Muslims) and of necessary interests, if safety from corruptions is .ensured or when the interests weigh heavier than the corruptions

It is forbidden to praise and speak highly of a person who is unworthy of praise, .۳۴۷ .and to talk highly of a worthy person beyond his/her merit

It is forbidden to remind a person of a favor done to him/her. However, this issue .۳۴۸ .is subject to dispute

It is forbidden to deceive or defraud people by appropriating their properties .۳۴۹ .dishonestly or making them work without wage

It is forbidden to be disloyal in counseling; meaning to intentionally advise a .۳۵۰ .person wrongly

It is forbidden to refrain from aiding an oppressed believer who asks for help .۳۵۱ .while having the ability to do so

It is forbidden to practice verbal hypocrisy, which in some cases necessitates .۳۵۲ disbelief and in others is only sinful. Hypocrisy stands for falsely professing belief in Islam

or falsely presenting an appearance of affection and friendship (or other things) to which the inner belief and feelings do not conform.

۳۵۳. Hoarding is forbidden. This means to collect and store a necessary commodity for purpose of selling it later for a higher price when people will have a pressing need for it.

۳۵۴. It is forbidden to neglect one's duties towards neighbors, causing them annoyance and bother unless there is a religiously acceptable reason.

۳۵۵. It is strictly forbidden to establish and supply companies that produce intoxicating drinks, narcotics, and tools of gambling and betting.

It is also forbidden to produce and distribute the products of such companies and take part in any sort of activity, such as being an employer, employee, worker, and renter of transportation means, storage, and shops for them. It is thus forbidden to receive any pay or profit from such activities let alone buying, selling, and using their products.

It is also forbidden to use any income that is obtained from such activities.

۳۵۶. It is obligatory to destroy all tools and devices that are specifically designed for committing sins, such as gambling and betting tools, musical instruments, intoxicant and narcotics producing apparatuses, tools of robbery and pick-pocketing, tools of explosives, tools of murder, dangerous chemical substances, and any tool or device that cannot be or rarely used in a legal way, or the destruction of which prevents sinning.

It is obligatory on everyone to destroy these objects no matter whose they are unless their destruction brings about a greater

.harm. Some of the above cases have exceptions

It is obligatory to refrain from using any object that is suspected to involve .۳۵۷ violation of a forbidden matter. For example, if one knows that one of several dishes or one of several clothes is impure but does not know which one it is, he/she must refrain from using all of them or cleanse them all. If one knows that one of two or .three things is another person's property, she/he must make sure before using them

It is obligatory to make up for any obligatory act that is suspected not to have .۳۵۸ been performed properly. For example, if one knows that either the Maghrib (nightfall) or the 'Isha' (early night) prayers was missed at a certain night, he/she must make up for both the prayers. If a person knows that she/he owes one of two persons something, he/she must acquire the consent of both of them or pay what she/he owes .to both of them

It is obligatory to act upon the rule of presumptive continuity (i.e. istishab; .۳۵۹ continuing according to the former state). For example, if one is sure that he/she missed performing an obligatory prayer, but now doubts whether she/he has made up for it or not, he/she must depend upon the former state of missing performing that prayer. Similarly, if one is sure that a certain shirt belonged to someone else, but now doubts whether it still belongs to someone else, she/he must consider it to still belong

.to that person, as per its former state

It is obligatory to avoid and stay away from the following ten impure things: (١) .٣۶٠ urine, (٢) excrement, (٣) semen, (۴) corpses, (۵) blood, (۶) dogs, (٧) swine, (٨) liquid intoxicants, (٩) beer, and (١٠) militant disbelievers (kafir harbi; disbelievers who are .(engaged in warfare against Muslims

It is obligatory to keep oneself from contaminating his/her house and living equipment with these things. It is forbidden to eat and drink anything that has been contaminated with these impure things. A ritual prayer that is performed while the clothes and body parts are polluted with these things is invalid. In addition, if a Muslim individual does not eschew contamination with these things, the angels of God's (mercy will flee from her/his house and devils will be drawn near.(١

It is obligatory to repent of any sin immediately. The more one delays repenting, .٣۶١ the greater the liability of the sin will be, while the obligation of repenting remains .intact

It is obligatory to maintain truth in speech all the time and under all . ٣۶٢ circumstances. A jurist must be truthful in issuing verdicts, a judge must be truthful in issuing decrees, a witness must be truthful in testimonies, and a confessor must be truthful in confessions. Likewise, everybody must be truthful in common speech and judgments about people and events, whether the truth brings about benefit or loss .for the speaker, his/her relatives, or her/his friends

It is obligatory upon men that attain maturity and newly .٣۶٣

It seems necessary to point out that some believe that in such contexts devil may – –١ .[.have been used in a metaphorical manner to mean harmful germs [ed

.converted male Muslims to be circumcised if they have not been circumcised before

It is obligatory to answer a person's salaam (ritual greeting) immediately, even .۳۶۴ during prayers, in a way that the greeter can hear it if there is no obstacle between them. To respond to ritual greeting during prayers, the phrase salamun 'alaykum .must be used, even if the greeter uses a different form

Part ۲ Chapter ۸: Laws Pertaining To Authority Over Muslims And The Muslim Community

It is strictly obligatory upon the well-qualified to take charge of the position of .۳۶۵ authority and leadership over the Muslim community during the Occultation Age ('asr al-ghaybah; the period between the disappearance and the reappearance of Imam al-Mahdi). If there is only one person qualified enough to hold this position, it is then individually obligatory upon him to assume it; otherwise, it is collectively obligatory to .do so

It is obligatory upon the consultants (ahl al-'aqd wa'l-hall; the specialists in . ۳۶۶ Islamic sciences who are experienced enough to recognize jurists, mujtahids—scholars competent to practice independent reasoning in legal judgment—and authoritative leaders) to appoint the qualified person as the supreme authority of the Muslim community if he alone is qualified for this position, or to choose the most preferred and the most virtuous among the qualified scholars and to introduce him to the people. It is then obligatory upon people to accept the person chosen by the .consultants to assume this position

It is obligatory to obey the orders and commands of the authoritative leaders, be .۳۶۷ they infallible, like the Holy Prophet and Imams; directly

appointed by the Holy Infallibles, like Salman and Malik al-Ashtar in the reign of Imam 'Ali ('a); indirectly appointed by the Holy Infallibles, like the qualified supreme authorities during the Occultation Age; appointed by virtue of the office, like those who hold such leading positions like military commanders, judges, leaders of Friday prayers, and the like offices; or appointed to issue such decisive orders like waging .wars, entering into peace treaty, sentencing to imprisonment, amnesty, and the like

It is obligatory upon those resting upon the verdicts of a qualified jurisprudent .۳۶۸ other than the supreme religious authority to obey and follow the latter's verdicts when they are contradictory to the verdicts of the qualified jurisprudent they follow. Such being the case, the verdicts of the qualified jurisprudent are regarded as .inoperative

It is forbidden for unqualified persons to assume the position of supreme religious .۳۶۹ .authority

It is obligatory upon the supreme religious authority to accept peoples' oath of .۳۷۰ allegiance to him. If a number of Muslim men and women want to take an oath of allegiance to the supreme religious authority that they will ascribe no thing as partner to God or that they will neither violate the prohibitions nor forego the obligations of the religion, it is then obligatory upon the supreme religious authority to accept their oath of allegiance and implore God's forgiveness for them. However, this oath of allegiance is not a condition for the acceptance of their Islam and faith; rather, it reinforces their beliefs and

.strengthens their commitment to the branches of religion

Defensive war is obligatory. If the enemy attacks an Islamic country, threatening .۳۷۱ the principles and fundamentals of the religion, even if in a specific region, or threatening Muslim lands with occupation, it is then obligatory upon every Muslim to defend the religion, the community, and the lands of Muslims and to sacrifice his/her property and life for this cause. Such defensive war is not contingent upon any .permission and it applies to both men and women

It is forbidden to flee the battlefronts in offensive or defensive wars unless the .۳۷۲ .retreat is planned to find a better position for fighting or to join other soldiers

It is forbidden to strengthen disbelief and hypocrisy, to sow disunion among .۳۷۳ Muslims, and to collide with the conspirators against a Muslim government in any way, even if it takes the form of building mosques, religious centers, and charitable .establishments

It is forbidden to prevent and discourage people to go to war, whether defensive .۳۷۴ .or offensive

It is forbidden to prevent from carrying out the religious obligations through such .means like speech, writings, threatening, or allurement

It is also forbidden to encourage, advance, or force people to violate the religious .prohibitions

In order to face the enemies of Islam, it is emphatically obligatory to prepare .۳۷۵ armed forces, troops, equipment of war, and transportation means that are suitable to the forces and war conditions of the enemy. It is obligatory to build and provide all ,necessary equipments for resistance, defense

and victory over the anti-Muslim armies. This obligation is collective; it pertains to the community and then to the supreme religious authority who must meet the expenses of these preparations from his own treasury or from the public treasury.

۳۷۶. It is obligatory to wage war and fight against the rebels who revolt against an Imam or a religious authority appointed by the Imam. This is part of the offensive jihad and it has its own conditions.

۳۷۷. It is obligatory to hand over the properties of fay’ (spoils given by God exclusively to the Holy Prophet) to the supreme religious authority. Properties of fay’ include lands that have been seized from non-Muslims without fighting and bloodshed.

۳۷۸. It is forbidden to make disposition of the anfal properties before obtaining the permission of the supreme religious authority who has control over the Muslim community. Properties of anfal stand for the public properties that are under the control of the head of the Islamic government, according to the Islamic law. They are as follows:

۱. The derelict lands and the lands the descendants of whose owner have died out.

۲. Public seashores and riversides of which no one has made disposition.

۳. Mountaintops, jungles, and canyons.

۴. The lands, properties, and precious objects of a ruler that have been seized by the Muslim army, on the condition that they have not been usurped from a particular person.

۵. Precious and valuable booties.

۶. Booties seized by the Muslim army from the disbelievers without the permission of the supreme religious authority.

۷.

.Inheritances and legacies of the heirless

.Ownerless mines .۸

It is obligatory to give protection to any group of disbelievers who want to enter .۳۷۹ an Islamic country in order to learn about the religion, to hear God's words, and to understand its meanings. It is necessary to guarantee their return to their positions safely. This must be under the supervision of the supreme religious authority and the .Islamic government

It is emphatically obligatory to execute the divine penal laws that are sentenced .۳۸۰ to those who have committed punishable sins. This is one of the most important individual or collective duties. It is the duty of the supreme religious authority as well as the just rulers and the judges they appoint. If there is only one person to carry out this law, it is then that person's individual duty to do so. If there are numerous persons who can carry out this law, it is their collective duty; i.e. if one of them carries .out the law, the others will be exempted from liability

It is obligatory to respect the sanctity of the Sacred Months; namely, Rajab, Dhu'l- .۳۸۱ Hijjah, Dhu'l-Qa'dah, and Muharram. In these months, the Muslim government should not wage war. If a war has started before these months and continued, the Muslim .government must suggest a truce and, if accepted, cease fighting, even temporarily

It is individually obligatory upon all persons who are experienced in judgeship to .۳۸۲ assume this position when it is necessitated by the supreme religious authority. If there

is only one person qualified for assuming this position, it is then individually obligatory upon that person, upon request, to accept this position. In any case other than these .two, to assume the position of judgeship is collectively obligatory

It is forbidden for an unqualified person to take charge of the position of . ٣٨٣ .judgeship even if the plaintiffs accept the person as judge, except in special cases

It is obligatory upon judges to judge fairly between the two parties of a case, . ٣٨۴ since it is strictly forbidden to issue unjust verdicts. It is obligatory upon any person to judge rightfully and to give a fair opinion in any case, be it rational, religious, or customary. It is forbidden for any person to give an incorrect opinion about any case, .deliberately and without valid reason

It is obligatory upon the judge to treat the two parties equally. The judge is thus .٣٨۵ required to behave with the two or more parties of a case in the same way, in greeting, speech, and etiquette of entrance and egress. The judge is also required to .respect them equally and finally observe justice in judgment

It is obligatory to accept an invitation for observing an incident in order to be a .٣٨۶ witness in the future. This is called witnessing. It is also obligatory to be present for bearing witness. If the witness is only one person, it is his/her individual duty to testify to or against an incident and if there is more than one

witness, it is sufficient for one of them to testify. It is strictly forbidden to conceal testimony unless there is reasonable justification.

۳۸۷. It is obligatory upon all duty-bound persons to testify justly to the truth and to refrain from deviating from the truth for any reason, except in cases of emergency. It is forbidden to give false testimony unless in cases of necessity.

۳۸۸. It is obligatory to reveal false testimonies. If the testimony of a witness causes a person to be sentenced to death penalty, retaliation, or undergoing blood money, and after the execution of the judgment the falsehood of the testimony is discovered, it is obligatory upon the judge to sentence the testifier to retaliation or undergoing the blood money and to expose him/her before the people in any possible way.

۳۸۹. It is obligatory on a person who has committed a crime against others to yield to retaliation in the case of intentional offences, whether the retaliation takes the form of death penalty in cases of intentional homicide, cutting off an organ or body part in cases of intentional cutting of a part of someone's body, or destruction of faculty in cases of disabling of physical ability, such as blinding or deafening someone. It is obligatory to pay blood money if the offence is unintentional. It is forbidden for the criminal to avoid retaliation or refrain from giving blood money.

۳۹۰. It is obligatory upon the Muslim ruler to pay the stated blood money to the heir of a victim

p: ۱۰۵

who has been killed in a crowd making it impossible to recognize the killer. The Muslim ruler is also required to pay the stated blood money to the heir of any victim whose killer is unknown. These blood moneys are paid from the public treasury so that the .blood of the deceased believer does not go to waste

It is forbidden to spy to the detriment of the Muslim government or to the loss of .۳۹۱ .Islam and Muslims

It is forbidden to make mischief in the lands through such acts like distorting the .۳۹۲ faith, morals, social order, and public financial and social security, promoting anti-Islamic behaviors, traditions, and customs, changing Islamic manners and rules, and other actions that the tyrannical ruling authorities disseminate in the society, such as .seizing, jailing, beating, killing, etc

Forbidden is qadhf, which is to accuse a married man of adultery or sodomy or a .۳۹۳ married woman of adultery while they are innocent or do not openly display such actions. If the maker of such an accusation neither has sure knowledge nor can prove it, in addition to the act being haram, she/he must be sentenced to a punishment. Of course, such an accusation is permissible in cases where the accuser has sure knowledge of the perpetration of the act by the accused and can prove it by either the testimony of four witnesses before the judge or the confession of the accused, four .times, to committing the offense intended

Waging war is forbidden; that is .۳۹۴

to carry a weapon with the intention of terrifying people and perpetrating corruption .through hitting, injuring, killing, seizing property, etc

It is forbidden to fight and battle inside the Secure Precinct of God unless it is .٣٩٥ intended for self-defense. The Secure Precinct of God is a limited oval-shaped area that surrounds the holy city of Mecca and its borders, about ten kilometers wide and .about twenty kilometers long

It is forbidden to sell weapons, war instruments, transportation means, fuel, and .٣٩٦ other things used in warfare for an enemy who is engaged in warfare against Islam. Moreover, it is forbidden to sell anything that may strengthen the enemy and weaken .Muslims in such a situation. However, the latter issue is controversial

It is strictly forbidden for the parties of a claim to refer to unqualified judges or .٣٩٧ judges appointed by the tyrannical ruling authorities. It is also forbidden for the parties of a case to take possession of anything that is judged as belonging to them .by the verdict of such judges, even if it is their due, except in cases of necessity

It is strictly forbidden to bribe a judge and it is forbidden for a judge to take bribe .٣٩٨ if the bribery is intended for wrongful judgment or in favor of the briber, be he/she the rightful party or not. Excepted from this law is the situation when the briber is the rightful party and there is no other way to gain her/his due. In this case, it is

allowed to give but it is forbidden to take the bribe. Regarding the prohibition of bribery, there is no difference whether a bribe is given as a bribe or under such other pretenses like gift, present, or dealing in which a commodity is sold to the judge at a lower price in order to win the case.

۳۹۹. It is forbidden for the judge to teach one of the two parties in a case how to defeat the other if the judge knows that that party is wrong. People other than judges are also forbidden to do such a thing if they know the person is in the wrong.

۴۰۰. It is forbidden for a judge to judge against an absentee in cases regarding the rights of God. For example, if four just persons testify against an absent person in a case of adultery, the judge has no right to issue a verdict. This rule does not apply to cases regarding the rights of people.

۴۰۱. It is forbidden for the owner of a right to exceed her/his right, such as torturing a killer or cutting his/her body parts before retaliation, or causing more physical or material loss to the condemned that is due.

۴۰۲. It is forbidden to conceal or keep hidden a truth when the validity or falsity of an accusation depend upon it, such as proving a murder or other crime, the validity of a marriage, the nursing of a child, the owning of a property, the arresting of a offender,

.or the acquital of an innocent

Epilogue

point

With reference to the science of jurisprudence and familiarity with the lawful and :unlawful issues, it is necessary to take notice of the following point

As introductory to jurisprudence, the obligations and prohibitions relating to the .secondary laws of the religion have been classified into different divisions

It seems proper to mention these divisions, yet briefly, in order to bring into the light .the varieties of obligations and prohibitions and how to comply with them

Divisions Of Obligations

Independent And Dependent Obligations

An independent obligation is an action that is obligatory in itself, not for accomplishing another action, such as performance of the obligatory prayers and observance of the .obligatory fasting

A dependent obligation is an action that is deemed obligatory in order to accomplish another obligation, such as the minor ablution (wudhu'), the major ablution (ghusl), and the cleansing clothes of impure (najis) things. These obligations are also called .introductory obligations

Devotional And Instrumental Obligations

A devotional obligation is an action that must be performed with the intention of seeking nearness to God and worshipping Him; otherwise, the action is invalid, such .as the ritual hajj pilgrimage and the ritual prayers

An instrumental obligation is an action whose mere performance is sufficiently acceptable, even if seeking nearness to God is not intended, such as cleaning a .ceremonially impure object or purifying the body for performing a prayer

Individual And Collective Obligations

An individual obligation is an act that must be carried out by all individuals independently, such as performing the ritual prayers, the minor ablution, and .observing obligatory fasting

A collective obligation is a particular

act that is required from a group; therefore, if it is carried out by any member of the group, the others will be not answerable, such as burying the body of the dead person .by one person who has found out about the death

Determined And Optional Obligations

A determined obligation is an action that is specifically required from every duty-.bound person, such as performing the Dawn Prayers

An optional obligation is when a duty-bound person has to choose to carry out one of two, three, or more actions, such as the right of choosing between performing the Friday prayer or the Midday Prayer or the right of choosing one of three atonements .that are made for breaking the fast on a Ramadhan day

Absolute And Contingent Obligations

An absolute obligation is an action that does not have any conditions or requirements, .such as the obligation to answer a greeting

A contingent obligation is an action the carrying out of which is contingent upon certain conditions, such as the ritual hajj pilgrimage, which is conditional upon having .the means and wherewithal

Confirmed And Pending Obligations

A confirmed obligation is an action that is presently required, such as repaying a debt .when its due time has arrived

A pending obligation is an action that is required in the future or after a period, such as .repaying a debt within two months or going to Mecca during the hajj season

Divine And Rational Obligations

A divine obligation is an action that is deemed obligatory by the Holy Qur’an and .Sunnah

A rational obligation is an action that is logically required. For example, if in the law

of Islam performing the ritual hajj and ‘umrah is obligatory, the logic of a duty-bound person will see it necessary to prepare the essentials of this journey. Thus, to perform the ritual hajj and ‘umrah is divinely obligatory, while to ready oneself for its journey is rationally obligatory. Theologically, to act kindly towards a kind person, to thank a favor, to refrain from oppression, to stop telling lies—all these and their likes are .ordered by reason, whether they are deemed obligatory in the law of Islam or not

Authoritative And Directive Obligations

An authoritative obligation is any action that is deemed obligatory through an order issued by a person the obedience to whom is obligatory, such as the Holy Prophet, the Holy Imams, and persons appointed on their behalf, if the order has been independently issued by that person on the strength of such necessary matters like the demands of common interest

A directive obligation is an action that is deemed obligatory because instructs to perform an obligatory matter. For example, if the supreme religious authority orders the recruitment of an army, waging war, or ceasefire, these orders are authoritative obligations. If the leader orders to perform the ritual prayers and fast in Ramadhan, .such orders are called directive obligations

Extended And Constricted Obligations

An extended obligation is an action that can be done in an extended period, and the duty-bound person can for example perform it in the beginning, middle, or at the end of its time, such as the Midday Prayers the time of whose performance extends to .sunset

A

constricted obligation is an action that must be done in a short or fixed period, such as fasting on each day of Ramadhan, which must be performed from sunrise to sunset and cannot be observed either earlier or later. Another example is the Friday prayer .that must be performed at exactly midday in a very limited time

Urgent And Non-Urgent Obligations

An urgent obligation is an action that must be performed immediately without delay, such as answering to a form of ritual greeting, performing the ritual Alarm Prayer (salat ayat) immediately after an earthquake, or paying back debts when their due .time has arrived and the lender requests for repayment

Non-urgent obligations are actions the performance of which is not immediately necessary, such as making up for missed prayers or paying back a debt whose owner .has not determined a certain time for repayment

Primary And Subordinate Obligations

It is forbidden to refrain from carrying out any action that the law of Islam deems obligatory and consequently proscribes abstaining from it. Such an action is a primary obligation, while to refrain from carrying it out is a subordinate prohibition. In this way, every primary obligation necessitates a subordinate prohibition and every primary prohibition necessitates a subordinate obligation. For this reason, subordinate obligations and prohibitions are sometimes mentioned in this book. For example, it was said that drinking wine is forbidden and refraining from it is obligatory, or that defrayment of the zakat tax is obligatory and refraining from defraying it is forbidden. Subordinate prohibitions and obligations are also used in other

.cases

If studied carefully, the prohibitions of the religious law can be also classified into most of the divisions of obligations; nevertheless, they are few in kind and rarely mentioned in books of master jurisprudents. Therefore, I have disregarded referring .to these divisions

However, it seems necessary to point out that prohibitions are divided into two main :parts, as is understood from the Holy Qur'an and Sunnah

Major And Minor Sins

Logically, sins are not equal in extent; rather, they differ in the levels of intellectual loathing towards them, personal and social immorality, and detestation in the view of God. They are therefore divided into major (kabirah) and minor (saghirah). Inferring this from the traditions of the Holy Infallibles, master scholars have discriminated the major sins from the minor, depending upon the following three points that define the :major sins

١. Sins described as major in traditions (riwayat; reported sayings of the Holy .(Infallibles

٢. Sins whose committers have been threatened with painful chastisement and (casting in Hellfire by the Holy Qur'an and Sunnah. (These are thus major sins

٣. Sins that are considered great by Muslims and religious people.

Thus, any sin falling under one of these three points is a major sin. It naturally follows that any sin, which cannot be placed under any one of these titles, is considered a minor sin. However, this categorization has no practical effect, because in a way, all sins are major, for sinning is transgression against God, violation of the divine .boundaries, and stepping over the limits of the obligations and prohibitions

.This is in fact enough to consider any sin major

Although sins have various names, titles, and levels, all of them are violations of justice. If a just person commits a sin, whether major or minor, his/her righteousness .will be temporarily lost, until she/he compensates through repentance

About center

In the name of Allah

هَلْيَسْتَوِيالَّذِينَيَعْلَمُونَوَالَّذِينَلَايَعْلَمُونَ

?Are those who know equal to those who do not know

al-Zumar: ٩

:Introduction

Ghaemiyeh Computer Research Institute of Isfahan, from ٢٠٠٧, under the authority of Ayatollah Haj SayyedHasanFaqihImami (God blesses his soul), by sincere and daily efforts of university and seminary elites and sophisticated groups began its activities .in religious, cultural and scientific fields

:Manifesto

Ghaemiyeh Computer Research Institute of Isfahan in order to facilitate and accelerate the accessibility of researchers to the books and tools of research, in the field of Islamic science, and regarding the multiplicity and dispersion of active centers in this field

and numerous and inaccessible sources by a mere scientific intention and far from any kind of social, political, tribal and personal prejudices and currents, based on performing a project in the shape of (management of produced and published works from all Shia centers) tries to provide a rich and free collection of books and research papers for the experts, and helpful contents and discussions for the educated generation and all classes of people interested in reading, with various formats in the .cyberspace

:Our Goals are

(propagating the culture and teachings of Thaqalayn (Quran and Ahlulbayt p.b.u.t-

encouraging the populace particularly the youth in investigating the religious issues-

replacing useful contents with useless ones in the cellphones, tablets and computers-

providing services for seminary and university researchers-

spreading culture study in the publich-

paving the way for the publications and authors to digitize their works-

:Policies

acting according to the legal licenses-

relationship with similar centers-

avoiding parallel working-

merely presenting scientific contents-

mentioning the sources-

.It's obvious that all the responsibilities are due to the author

:Other activities of the institute

Publication of books, booklets and other editions-

Holding book reading competitions-

Producing virtual, three dimensional exhibitions, panoramas of religious and tourism- places

.Producing animations, computer games and etc-

Launching the website with this address: www.ghaemiyeh.com-

Fabricatingdramatic and speech works-

Launching the system of answering religious, ethical and doctrinal questions-

Designing systems of accounting, media and mobile, automatic and handy systems,- web kiosks

Holding virtual educational courses for the public-

Holding virtual teacher-training courses-

Producing thousands of research software in three languages (Persian, Arabic and- English) which can be performed in computers, tablets and cellphones and available and downloadable with eight international formats: JAVA, ANDROID, EPUB, CHM, PDF, HTML, CHM, GHB on the website

Also producing four markets named "Ghaemiyeh Book Market" with Android, IOS,- WINDOWS PHONE and WINDOWS editions

:Appreciation

We would appreciate the centers, institutes, publications, authors and all honorable .friends who contributed their help and data to us to reach the holy goal we follow

:Address of the central office
Isfahan, Abdorazaq St, Haj Mohammad JafarAbadei Alley, Shahid Mohammad HasanTavakkoly Alley, Number plate ۱۲۹, first floor
Website: www.ghbook.ir
Email: Info@ghbook.ir
Central office Tel: ۰۳۱۳۴۴۹۰۱۲۵
۰۲۱ ـ Tehran Tel: ۸۸۳۱۸۷۲۲
Commerce and sale: ۰۹۱۳۲۰۰۰۱۰۹
Users' affairs: ۰۹۱۳۲۰۰۰۱۰۹

Introduction of the Center – Ghaemiyeh Digital Library